

*Public Policy in the Scottish Highlands: Governments, Politics
and the Land Issue, 1886 to the 1920s.*

Ewen Archibald Cameron.

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c Ewen Archibald Cameron.

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ABSTRACT

This thesis is concerned with the development of government policy in the Scottish Highlands from the Crofters' Holdings (Scotland) Act of 1886 to the mid 1920s. It begins with an analysis of the politics of the 1886 Act encapsulating an examination of the input of crofters, proprietors and politicians to the contents of the Act. The contemporary polemical reactions to the Act and the historiographical debate surrounding the Act and its legacy are given consideration.

The Crofters' Commission, set up in 1886 to implement the Act, is examined in depth. Particular attention is paid to the use of the Commission by the Government in the turbulent years from 1886 to 1888. The reforms of the Commission in 1887 and 1888 are also scrutinised. The reactions to the Commission by the various social and political groups in the Highlands are summarised. A brief statistical analysis of the work of the Commissioners in setting fair rents and granting enlargements of holdings concludes this section.

Parallel developments in the period from 1886 to 1895, such as the debates on emigration, development of the infrastructure and reform of land tenure are detailed. The context here is the differing perspectives of the Conservative and Liberal Parties who were both in office during this period. The origins of the succeeding policy of land purchase are discerned.

The role of the Congested Districts Board, set up in 1897, is analysed. Firstly, its actions in attempting to carry out the policy of land purchase under a Conservative government from 1897 to 1905 and subsequently the second phase of its work under a Liberal Government from 1906 to 1911, are analysed. Attention is given to the work of the Board on the ground in attempting to interest crofters in the policies of land purchase and migration. The negative response of crofters to both initiatives is discussed. The effects of the ongoing debate on the Small Landholders (Scotland) Bill, which provided for the abolition of land purchase and the CDB, in the Highlands are put in context. A detailed political analysis of this debate, and the role of the representatives of crofters and proprietors complements the examination of the work of the Board.

The final two sections of the thesis are concerned with the policy of land settlement. The short working life of the Small Landholders (Scotland) Act, 1911 is analysed. The problems caused by the ideological origins of this piece of legislation are the particular focus. Statistical evidence is employed to measure the relative success or failure of the operation of this Act in the period from 1911 to 1919. The improved performance of land settlement under the Land Settlement (Scotland) Act of 1919 is presented as a contrast. A comparative statistical analysis demonstrates the quantitative improvement clearly. However an examination of the qualitative aspects of the results of post war land settlement leads to a more complex understanding of the success of the policy. The political context of the immediate post war period provides the backdrop to this section. The stringent fiscal atmosphere and the renewed sequence of land raids and strident rhetoric by applicants for land are the two most important features of this period.

The overarching themes concern the political tension and debate between the various pieces of legislation. The statutes of 1886 and 1911 were based on the concept of protected tenancy; whilst that of 1897 was based on the concept of land purchase. The 1919 act contained elements of both ideas. The prevailing interpretation of the role of landowners in policy in this period is revised. The diversity of conditions across the Crofting Counties is also a constant theme. Some attention is given to the political legacy of the policy developments of this period.

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ABBREVIATIONS

AJBP	-	A.J. Balfour Papers.
BL Add MS	-	British Library Additional Manuscript.
BLO	-	Bodleian Library, Oxford.
BoAS	-	Board of Agriculture for Scotland.
CAB	-	Cabinet.
CBP	-	Campbell Bannerman Papers.
CDB	-	Congested Districts Board.
Es	-	Enlargements.
EUL	-	Edinburgh University Library.
FR	-	Fair Rent.
<i>HJ</i>	-	<i>Historical Journal.</i>
HLLRA	-	Highland Land Law Reform Association.
HRA	-	Highland Regional Archive.
ILP	-	Independent Labour Party.
KLTR	-	Kings and Lord Treasurers' Rememberancer.
NHS	-	New Holdings.
NLS	-	National Library of Scotland.
<i>NS</i>	-	<i>Northern Scotland.</i>
<i>PD</i>	-	<i>Parliamentary Debates.</i>
PP	-	Parliamentary Papers.
PRO	-	Public Record Office.
PWLC	-	Public Works Loans Commissioners.
RD	-	Real Demand.
SCRO	-	Staffordshire County Record Office.
SEG	-	Skene, Edwards and Garson.
<i>SHR</i>	-	<i>Scottish Historical Review.</i>
<i>SGM</i>	-	<i>Scottish Geographical Magazine.</i>
<i>SJA</i>	-	<i>Scottish Journal of Agriculture.</i>
SLA	-	Scottish Liberal Association.
SLC	-	Scottish Land Court.
SLFP	-	Scottish Landowners Federation Papers.
SLPF	-	Scottish Land and Property Federation.
SRO	-	Scottish Record Office.
<i>TGSI</i>	-	<i>Transactions of the Gaelic Society of Inverness.</i>
WEGP	-	W.E. Gladstone Papers.

CHAPTER ONE.

The Making of the Crofter's Holdings (Scotland) Act.

The 1870s and 1880s saw rural issues maintain prominence on the British political agenda. The decline in the prices of wheat, barley and oats over this period led to changes in the relationship between farming tenants and landowners. The most significant of these were reductions in rent and the development of tenants' rights in legislation of 1875 and 1883. These were designed to give a modicum of protection in a period where tenants' incomes were more vulnerable than they had been in mid century. They had come about after the development of a farmers movement, under the umbrella of the Farmers' Alliance, formed in 1879.¹ These developments also had an effect on the relationship between farmers and their agricultural labourers. The purported "Revolt of the Field", a series of protests in the 1870s aimed at securing increased wages for labourers, put additional pressure on farmers in a difficult era. Further, the agrarian aspects of the Irish nationalist movement helped to define the outlook of governments to agrarian protest in a society dominated by a smallholding population. In Wales, where rural society was also dominated by small tenant farmers and small scale proprietors, the land question was important. A tenants' movement demanded the extension of the principles of the Irish Land Act of 1881 to Wales. A Welsh Land League was formed in 1886. They used the example of the Crofters' Holdings (Scotland) Act of 1886 in their propaganda.² In Scotland the collapse of the wheat price was less significant than in the high farming areas of England, but it did have an effect. Generally, it was a time of falling rents which placed stress on estate finances. The farmers movement was evident in Scotland, particularly in the North East, but it had petered out by the mid 1880s.³ This was the general political background which lies behind the particular aspect of agrarian politics to be analysed here.

Although the main concern below will be with the post 1886 era, it is important to scrutinize the background to that period in more detail. The years from 1886 to 1919 would see four major pieces of legislation which can be seen as a debate between contending policies on tenurial relations in the Highlands. The Crofters' Holdings Act of 1886 was the critical statute which dominated the course of the debate over the succeeding forty years. It defined the crofting area and established security of tenure, compensation for improvements and the right to adjudication of rental.

Governments of both parties were subsequently forced to wrestle with the profound effects of this act on the crofting community. Loyalty to the 1886 regime among crofters would be a major obstacle for those interested in implementing alternative policies.

The immediate politics of the 1886 act extend back to the beginning of the 1880s and go through various stages, increasing in intensity from the involvement of local government, to analysis by Royal Commission and subsequently policy formation by the Cabinet after informal consultation with favoured proprietors. An examination of these politics will provide clear indications of the themes to be pursued in the remainder of this thesis.

The series of incidents which have become known as the "Crofter's War" preoccupied governments of both parties throughout the 1880s. The agitation arose from a complex interplay of economic and cultural forces in the post famine Highlands. There were a series of disjointed outbreaks of agitation in Wester Ross and Lewis in the 1870s. However, the most concerted phase of the agitation, lasting from 1882 to 1888, began in Skye.⁴ This chapter will examine the impact of the agitation on government policy in the Highlands in the period from 1882 to the passing of the Crofter's Holdings (Scotland) Act in the Summer of 1886. The responses of the Government to the various demands of crofters and proprietors as well as political worries about the effect of special treatment for crofters on tenurial relations in the rest of Scotland will form the focus of the analysis. The making of the Crofters' Act can be divided into three periods. From 1882 to 1883 the crofter issue developed from an administrative to a political issue. Its impact shifted from local to central government. The establishment of the Napier Commission in 1883, and the course of its work over the next year helped to establish the question as regionally specific. Although its direct impact on the content of legislation was minimal, its importance in raising this question cannot be underestimated. 1884 was dominated by an attempt by the government to marginalise the crofters movement by encouraging proprietors to build a partnership with their tenants through concessions on the issues of rent, compensation for improvements and extra land. A growing realisation that this would be insufficient saw the onset of the final period from 1885 to the eventual passing of the Act in mid 1886.

I

The celebrated crofters of Braes, near Portree in Skye, asserted their historical "right" to graze their stock on Ben Lee. This was land which the proprietor, Lord MacDonald, now used for the grazing of his own sheep. The crofter's defiance of Sheriff Officers' attempts to uphold proprietorial legal rights culminated in the despatch of a force of police to Skye. The ensuing confrontation between the police and the crofters was the first to have an impact on local and central government.⁵ Initially, the Commissioners of Supply for the County of Inverness-shire were the first to have to deal with the consequences of the events in Skye. Before the reform of Scottish Local Government in 1889, which saw the creation of a system of elected County Councils, it was the Commissioners who were responsible for policing the county. By late 1882, as the agitation spread from Braes across Skye to the Western district of Glendale, the County authorities became concerned that their police force was inadequate to maintain law and order in Skye. At this time the entire county of Inverness was policed by 135 men. An additional 35 could be found, but it would take time to train them for the difficult duty of policing the disturbed districts of Skye. In November the Police Committee resolved that they were "quite unable to enforce the law and secure the maintenance of peace in the County without aid from the central government". The Lord Advocate was unimpressed by this view. He informed Sheriff Ivory, the Sheriff Principal of Inverness, that he considered the county authorities to be responsible by statute for the policing of the county. Aid from the central government would go no further than the Home Secretary authorising them to recruit extra police from whatever source they considered appropriate. In the event 40 extra policemen from Glasgow were drafted in to help deal with the situation.⁶

In 1882 the crofters' agitation was an administrative problem. Certainly, it was serious enough to cause problems in the relationship between local and central government, but it was not yet the political problem it would soon become. Essentially, this was because the crofters were not organised. There was no structure by which they could articulate their demands. This was remedied to a certain degree by the formation of a formal crofters' movement. The London and Edinburgh Highland Land Law Reform Associations and the Sutherland Association provided a forum for sympathetic political activists in urban Scotland and beyond to raise the grievances of the crofters and present them to a wider audience. The crofters themselves temporarily acquired a political voice through the sittings of the Napier Commission in 1883. However, it was not until 1885 and their enfranchisement that

they could have an independent political impact. Nevertheless, through the voice of the Crofters' movement and the actions of sympathisers in parliament, such as Charles Fraser-MacKintosh, MP for Inverness Burghs, and Donald H. MacFarlane, at that time sitting for Wicklow in Ireland, the government began to be made aware of the grievances of the crofters. In late 1882 and early 1883 as the agitation took a firm hold in Skye moves were made to persuade the government to grant a Royal Commission to examine crofting conditions. This was the first of a series of political moves in which the origins of the legislation of 1886 can be discerned. However, as will be seen from the discussion below, legislation was far from the mind of the government at this stage.

As early as August 1883 MacFarlane had appealed to the government for a Royal Commission. He pointed to the insecurity of the crofter who could be legally evicted at only 40 days notice. He contrasted this with the position of the Irish tenants who had received a measure of protection from parliament in 1881. The Lord Advocate, speaking for the Government argued that "no adequate ground" for the setting up of a Royal Commission had been demonstrated. Before such a step could be contemplated a clear legal problem and some suggestion as to an alteration in the law to deal with it would have to be identified. In an intimation of one of the themes of the debate on crofter legislation he argued that the crofting population was not purely an agricultural population but could independently improve their position without Commissions or legislation, through wage labour.⁷

Despite the public appearance of a categorical refusal of a Commission, the Government considered the issue with some care in private. The Ministers involved in the issue were the Home Secretary, Sir William Harcourt, Lord Rosebery, who was a junior minister in the Home Office with special responsibility for Scottish affairs, along with the Lord Advocate, J.B. Balfour, and the Solicitor General. The Lord Advocate was strongly against a Commission. He feared it would only encourage agitation and the non payment of rent. More importantly there were political objections to a Commission. There was a reluctance to consider special treatment for the crofters. There would be difficulties in defining the geographic area to be covered by a Commission. It was argued that the crofter problem could best be dealt with in the general legislative framework dealing with landlord tenant relations. Whilst a fear of giving special recognition to crofters existed, there was also an awareness that it would be dangerous to refuse a Commission and then in the face of mounting agitation to concede one at a later date, when demands would have escalated. By November, Harcourt had come round to the view that a Commission

was unavoidable. He reached this view not through profound sympathy with the crofters' case, but on the political grounds that a Commission would be a safer option at that time than in the future. He retained the worries of the summer over the geographic remit and the possibility that such a move would "open the floodgates of the Highland land question". The Prime Minister agreed but wished the matter to go before the full Cabinet before a policy decision was reached.⁸ Gladstone had accepted the idea of tenant right based on a history of customary rights in the past, most notably with regard to Ireland, where he used such arguments in the internal government debate leading up to the Irish Land Act of 1881. At this date there was no sign of such thinking being applied to Scotland. Indeed, Gladstone did not espouse it in a Scottish context until early 1885 in the debate leading up to the first Crofters' Bill.⁹

There is no conclusive evidence but, given the tone of the government thinking the previous autumn, it seems likely that when Harcourt announced in Parliament in March 1883 that a Commission would be appointed his objective was to try to take the heat out of the agitation. This view is strengthened by the fact that the Home Secretary added that both the remit and the geographical scope of the Commission should be as general as possible.¹⁰

The Commission was to be chaired by Lord Napier, a Border laird, retired diplomat and amateur social scientist. His colleagues were Sir Donald Cameron of Lochiel, at that time Tory MP for Inverness-shire; his fellow landowner Sir Kenneth MacKenzie of Gairloch, a noted Liberal; Charles Fraser-MacKintosh; and two Gaelic scholars Alexander Nicolson, Sheriff of Kircudbright, and Professor Donald MacKinnon, the first holder of the Chair of Celtic at Edinburgh University. Representatives of the Crofters movement argued that the Commission lacked a true crofter representative. Lochiel, MacKenzie of Gairloch and even Fraser-MacKintosh were all labelled as landowners. The HLLRA had recommended Alexander MacKenzie the Inverness journalist, historian and genealogist for the Commission on account of his active sympathy for the crofters. Harcourt chose not to act on this suggestion. MacKinnon and Nicolson, as scholars, were not expected to provide a radical input. Had it been widely known in 1882, MacKinnon would surely have been distrusted due to the recommendation Harcourt received on his behalf from Lady Gordon Cathcart, the

proprietor of Benbecula, South Uist and Barra. Nicolson took his seat on the Commission after declaring his Liberal allegiance to Harcourt and laying the problems of the Highlands at the door of "Tory Lairds, factors, and their subordinates". Many proprietors were unhappy at the political composition of the Commission, Lochiel being the sole Tory.¹¹

The contemporary worries concerning the Commission were political. Retrospectively, it is possible to identify its most important characteristic as the antiquarian and historical interests of many of its members. Apart from Nicolson and MacKinnon, Fraser-MacKintosh was a noted antiquarian and Napier was a keen student of history and anthropology. This was important because much of the crofter rhetoric during the agitation had focused on their historical case for the restoration of lands which had been removed from their use by proprietors over the previous century and more. There had been an important upsurge of interest in the History of the Highland land question in the early 1880s; especially with the publication of Alexander MacKenzie's book on the Highland clearances. This work was as important for its polemical denunciation of the actions of proprietors as its scholarly analysis of the clearances. This was not without relevance to the origins of the agitation. The historical emphasis became more important once the crofter evidence to the Commission began to be heard. Crofter delegates were not discouraged from giving their own versions of the course of events in their townships over the preceding generations, in an attempt to justify their demands for more land and a more secure tenure. Further, the concept of the township, which had been usurped by the clearances was rehabilitated by the 1880s. Volume III of W.F.Skene's *Celtic Scotland*, published in 1880, was devoted to this theme. John Stuart Blackie had given considerable attention to historical aspects of the land question in his evidence to the Napier Commission.¹²

One of the most important political questions, once the composition of the Commission had been decided, was the geographical area which it should cover. To limit the area of its remit to the districts where the agitation was strongest would limit its political impact. There were problems of definition if it was to include all areas where there were "crofters" and "cottars". These were vague terms which had different meanings in different parts of the country. Napier himself was concerned about the status of Caithness. This was a low lying county "not inhabited by the Celtic race". On the other hand, its population complained of the same grievances as those in the North of Skye, who were among the most vocal crofters. There were other fringe areas such as Highland Perthshire, Upland Banff and Aberdeen-shire

and Southern Argyll-shire where it was a matter for debate whether crofting conditions existed or not. In the end, it was left to the judgement of the Commissioners to decide their itinerary. One factor to be borne in mind was the need for a reasonably prompt report. An exhaustive inquiry, spread over a long period would defeat the object of the government. The Commission displayed an awareness of the political dimension to this debate by carrying out the "heavier portion" of its work in the Hebrides first.¹³

The work of the Commission in its tour of the Highlands, taking evidence from crofters, proprietors and others did not pass without controversy. There was claim and counter claim concerning the role of the crofters movement. There is no doubt that there was activity by activists like John Murdoch and Alexander Mackenzie in encouraging people to give evidence and assisting in the preparation of it. This kind of activity gave the crofters movement an opportunity to establish contacts and organisation in the grass roots of the crofting community. A strength which it had lacked until then.¹⁴ As well as the claims that the HLLRA was interfering unduly and distorting the evidence of the crofters, there were claims that crofters who criticised estate managements in their evidence were the victims of reprisals. These allegations struck a raw nerve in the proprietorial community. They responded by denying the truth of such claims vigorously. At the forefront of this denial was a delegation led by the Duke of Argyll, and including representatives of Skye, South Uist and Ross-shire estates, who stated their case to the Lord Advocate at the Home Office.¹⁵

A number of points can be made to clarify the position at the end of 1883 when the Napier Commission returned to Edinburgh to write its Report. The agitation had developed from its disparate origins to have an impact on local government in the Highlands. With the help of articulate and well connected activists in Parliament and continued agitation on the ground the crofter question impinged on the attention of the Liberal Government. A demand for a Commission was voiced and eventually granted by the Government in the hope that it would have an effect in quelling agitation. One of the major problems faced by the government in setting up the Commission was how to limit its sphere of operations to an intellectually and politically defensible area, and yet cover a wide enough area to ensure maximum impact in the disturbed districts of the Highlands. The compilation and publication of the Napier Commission's Report was the start of a vigorous debate on the most efficacious method of dealing with the crofters' question which culminated in, but was not ended by, the passing of the Crofter's Holdings (Scotland) Act.

The Royal Commissioners had not achieved a unanimity in their view of the evidence after the completion of their investigations. Social and political divisions were evident. The two major landowners, Lochiel and MacKenzie of Gairloch, despite their political differences, had reservations concerning the progress of the Commission. Lochiel had cast doubt on the value of much of the evidence he had heard from crofters, and felt sure that he would not be able to accept the fundamentals of the Report once it was written. Napier's ideas were paramount and he counted on the support of Nicolson, MacKinnon and Fraser-MacKintosh. Lochiel was aware of the dangers of sacrificing principle for the pursuit of superficial unanimity. As a Tory, his signature would be used by the Liberals to point out that the report had cross party support. In the end, both he and Kenneth MacKenzie signed the report but appended dissents from the most critical section of the report dealing with land.¹⁶ Napier had done his best to bring all the Commissioners together. He had been aware that this was likely to be difficult with regard to land, a subject on which the members of the Commission held "divergent views".¹⁷

The details of the Commission's Report with regard to land were striking. This section was largely penned by Napier, in the absence of agreement among his colleagues. He had been impressed with the complaints of crofters on the insecurity of their tenure. He was also impressed with the importance of increasing the size of the individual holding and improving the quality of agriculture in the crofting areas. He aimed to accomplish these ends with a system of improving leases, township organisation and assisted emigration, backed up by limited security of tenure. Tenants with holdings of more than £6 annual value were to have a secure tenure and given leases of 30 years duration which would contain a programme of improvement for the holding. Tenants in holdings of less than £6 annual value were to remain outside the scheme and be catered for by a scheme of voluntary emigration. To include them, Napier felt, would perpetuate the ills he was trying to eradicate. A recreated township system was to be the centrepiece of the scheme. The township was to be responsible for the "possession and administration" of common pasture. All settlements of three or more holdings with common pasture, or a history of such within a 40 year period, were to be constituted as townships. Napier had been as impressed as, Lochiel was unimpressed, with crofter evidence to the Commission. This is clearly seen in his reasoning for the recreation of the township. He argued that it was valid because it had a "basis of operation in the customs of the country" and a "distinct existence in the sentiments and traditions of its component members".¹⁸ There were provisions to govern vacant holdings and subdivision,

which were designed to eradicate congestion over a period of time. Vacant holdings of less than £3 annual value were not to be relet, but used for consolidation. Holdings of less than £20 annual value were not to be subdivided. Subdivision of larger holdings was not to result in the creation of new holdings of less than £10 annual value.¹⁹

Lochiel and Kenneth MacKenzie both dissented from the idea of the township. They argued that it would be inflexible and damaging to proprietorial rights. Lochiel also made a pertinent point which he would echo many times over the next few years. He queried the geographical boundaries in which the scheme was to operate. He pointed out the diversity of conditions in many Highland Counties, but argued that the parish was too small a unit of definition. An additional problem was the lack of conformity between estate and parish boundaries.²⁰ There was a clear theme of social and even moral, as well as agricultural, improvement running through this section of the Report. It was stated that the aim was "to stimulate the people to shake off the torpor which besets them" and to help form "habits of industry and self respect".²¹ This, according to Napier, would be the long term solution to the Highland problem. Further, it would be a solution transcending governments and legislation. The Irish land act of 1881 was constantly in the background to the ongoing debate on the Highland land issue. Napier's scheme was a rejection of the application of the principle of this statute to the Highlands. This was implicit in the Report with its rejection of comprehensive security of tenure and rent revaluation. In private communication with Harcourt, Napier stated this explicitly. He did not believe the "three Fs" were appropriate to the Highlands, and believed the scheme which he presented for a partnership between tenant and proprietor based on leases and corporate townships would form a more useful alternative. In short, Napier was aiming to create economic, rather than tenurial security.²²

II

Whilst the Report of the Royal Commission may have been a novel contribution to the debate on Highland land, its impact on policy was minimal. The next section will examine the debate from the publication of the Report to the first attempt to pass a crofter's bill in 1885. The positions of the crofter's movement, the government and the proprietors will be scrutinised.

The nature of the scheme proposed by Napier, as well as the political divisions within the Commission, ensured that the government were not responsive to its contents. Nevertheless it did provide a focus for the debate for a period. It also had an impact on the course of the agitation. Initially, it led to a period of calm as the expectation of government action spread through the crofting community. This hope was soon dashed, as no sign of government action was evident. The situation in Skye had reached a critical stage by the autumn of 1884. Under pressure from the strident Sheriff Principal, William Ivory, the government agreed to send troops to the island to bolster the authority of the police. The county authorities had also pressed for this but were not keen to acquiesce in the Home Secretary's suggestion that they match the government's contribution by providing extra police for the operation.²³

The essential problem was that the Commission's Report had received a cool reception in private and in public. Both the Lord Advocate and the Home Secretary agreed that legislation would be needed to carry out the recommendations of the Commission. The government was reluctant to consider such an eventuality in 1884. They felt that it was within the power of the proprietors to undertake voluntary action to deal with some of the outstanding grievances of the crofters. They could deal with insecurity of tenure by offering leases. The government were not sanguine about the prospects of persuading crofters to emigrate in the current climate of high expectation of government action.²⁴ The Prime Minister agreed with Harcourt and J.B. Balfour on the recommendations. He regarded the Report as "neither wise nor acceptable". He went on to directly contradict Napier's view of the Highland land question by suggesting proposals akin to those of the Irish land legislation of 1881 "could be introduced with advantage".²⁵ The government would spend the rest of the year attempting to persuade proprietors to initiate voluntary concessions.

Crofter impatience with the government on the implementation of the Report expressed itself through renewed agitation in the Highlands.²⁶ In parliament, their supporters pressed the government to act on the Report. Harcourt replied to a motion put forward by Fraser-MacKintosh and MacFarlane by enlarging on his theme of the need for voluntary effort from the proprietors. Lochiel also contributed to the debate by pointing out the difficulties of drawing up an effective land bill. The issues of geographic definition and the problem of the cottars and squatters were serious obstacles to a bill.²⁷ It was this debate which made it clear to the crofters that the government were determined to take no action along the lines suggested by the Napier Commissioners. It marked a new phase in both the debate on Highland policy and in the agitation in the Highlands.

Despite the political irrelevance of the Commission by the end of 1884 there was, nevertheless, a considerable debate surrounding the ideas which it had proposed. Criticism of the Report came from all quarters. For the crofters, Alexander MacKenzie, at that time editor of the *Celtic Magazine*, welcomed the Report as an admission of the validity of the crofters grievances, and as a justification of the agitation. However, he derided it as hopelessly inadequate on the grounds that it offered incomplete security of tenure and no real mechanism for the wholesale extension of the crofters land. He also opposed the idea of emigration as a valid option. Of course, this was predictable. The crofters' movement was particularly keen to oppose any suggestion of emigration. If it went ahead it posed a considerable threat to their own central contention that there was an abundance of available land in the Highlands, merely a lack of structures for ensuring crofter access to it.²⁸

From a completely different perspective the Duke of Argyll was equally emphatic in his denunciation of the Commission's Report. He condemned its analysis of the structure of land holding as "a strange reversal of the truth". Napier had contended that there was a lack of variation in the size of holdings in the Highlands. He pointed to a number of very large holdings and a large number of very small holdings, with very few of an intermediate size. The Duke attacked Napier's methodology, criticising it for a crude selection of facts and for basing his conclusions on information from a small number of parishes. He further noted that the Commission had failed to take into account the county of Argyll which contained the greatest variety of size of holdings. However, the central contentions of the Duke's rebuttal were twofold. He argued that Napier had made a fundamental error in his basic conception of the crofting problem. To regard the crofters as mere small farmers, neglected the important part of their time which was taken up with wage labouring. This was a point which Sir John MacNeill had made in his survey of the Highlands for the government in 1851. The Duke's point was that it was not peculiar that so many tenants had such small holdings, but that so many labourers had such large holdings. Secondly, Napier had argued that the case of the Highlander was worthy of special attention because he had had his land forcibly removed over the course of the preceding century, and that there was a valid case for restoring it to him. The Duke regarded this as a sentimental view. He was sharply critical of the kind of evidence which the crofter delegates had led before the Commission. He was equally critical of Napier for allowing himself to be seduced by the picture of a pre clearance paradise in the Highlands. He argued that changes in the land holding structure of the Highlands were not singular, but part of a general progressive movement which was

evident across Europe.²⁹ The Duke's argument was the latest in a long line of writings which he had presented on the land issue. He had always stood out against the prevailing movement for tenant right. He presented the running of his own estates as a model for improvement. His management of the Island of Tiree, which included a concerted attempt to consolidate holdings, was an example of the way to modernity in the Highlands. He was scathing about the crofter's standard of agriculture and social development under classic crofting conditions. He had resigned from Gladstone's Cabinet in 1881 in protest at the Irish land legislation.³⁰ He was, not surprisingly given his own position, a forthright defender of the inalienable right of the landlord to control his estates without interference. His views are certainly worthy of attention. However, two factors should be borne in mind when considering them. Firstly, his analysis rested heavily on conditions in the county of Argyll and more particularly on the management of his own estate. Secondly, the early 1880s was not a good time to emphasise the labouring element of crofting life. The fishing industry was in recession and responding with structural changes which would affect crofters' incomes from this source.³¹ The slump in the wider British economy had reduced the opportunity for crofters to gain employment, on even a temporary basis, in the industrial areas of Scotland. These economic indicators serve to emphasise the importance of land to the crofting community. It was land which would be at the centre of the debate, and at the forefront of the government's developing policy on the Highlands for the rest of the period with which this chapter is concerned.

In the face of this diverse criticism of his proposals, it was left to Napier to take up the defence of his brainchild. He found this to be a solitary and thankless task. The government had rejected his Report in private and had implicitly done so in public by moving on to a new strategy of attempting to entice landowners to offer voluntary concessions to crofters. Donald Cameron of Lochiel had condemned the report as "hardly worth considering". He also suggested that Napier himself was well aware at an early stage that the government were not going to be receptive to his ideas. It was even suggested that in this knowledge Napier had compiled a Report giving expression "to a dream of an ideal and blessed condition of things".³² Despite this suggestion, Napier was not slow to defend himself against the Duke's attack. He rejected the notion that the process of depopulation in the Highlands was part of a general and identifiable process. The Highlands were peculiar and special, restitution of land to the crofters was possible and relevant. In the Lowlands the depopulation had occurred through "natural causes and arbitrary will". In the Highlands the question was still a live one; "the two factors in the quarrel stand face to face; on the

one side is the vacant land, on the other the craving multitude". This was the factor which ensured that the Highlands merited preferential treatment. He also rejected the Duke's contention that the crofter should be seen primarily as a labourer. Characteristically, Napier took his argument from history. He suggested that the crofter was descended from the sub tenants of the tacksmen. Further, the land was central to the crofters life and a variety of agricultural activities were centred on it. This placed it apart from the allotment of the labourer. Psychologically, the crofter regarded himself as a tenant of the land not a wage labourer; "the field, the humble homestead, the common hill form the permanent centre of his life". He went to conclude that the informal nature of the Commission, where the ordinary crofter could give evidence in the same forum as the proprietor and his factor, was a constructive contribution to social harmony in the Highlands. The article is instructive for the hint which Napier gave as to his view of the political fate of his Report. He was now arguing that the lack of unanimity in the Commission was one of its strengths. It could not be accused of being a captive of one party or another. This was in contrast to his private correspondence with Harcourt in which he lamented the lack of harmony in the Commission. Napier's defence of his proposals, and the original Report was firmly rooted in the view of Highland history which he had acquired, or had confirmed, through the crofter evidence to the Commission. This encapsulated the proposition that an ideal, or at least commendable, social condition had been disturbed recently by the clearances and ought to be restored.³³

This exchange of views was important in the context of the question of whether the crofters should be treated as a special group worthy of preferential treatment. As has been noted above the government in 1882 at the outset of the agitation were reluctant to admit this. The granting of the Napier commission and its choice of districts to examine, from Ardnamurchan to Caithness, were an implicit admission that the crofters and the Highlands were a special case. The government, in rejecting the Commission's Report, were signalling that they did not wish to take this admission too far. They were, by the end of 1884, of the view that crofter legislation was something to be avoided, although Gladstone had hinted that it was not completely out of the question when he privately raised the possibility of granting compensation for unexhausted improvements as an alternative to the Napier Commissions proposals.³⁴ Nevertheless, before this extreme was reached the Government were determined to find alternative solutions. By late 1884 their attempt to initiate proprietorial movement on the crofter question began to bear some fruit.

III

The prime mover in the events which would lead to a conference of proprietors in Inverness in January 1885 was Donald Cameron of Lochiel. He was aware that the government had rejected the Report of the Royal Commission. He was also well aware that the agitation had not ceased with the publication of that Report. In response to this he considered that the government was moving slowly to the idea of legislation. He was determined that the proprietors should evolve a coherent position on the areas where they would find government interference acceptable and other areas where they would prefer to act alone. The alternative was a bill which the proprietors had had no input and which may act against their best interests.³⁵

Lochiel was aided in the task of setting up the Conference by the young Easter Ross landowner, R.C. Munro Ferguson, who had recently been elected to Parliament for Ross-shire, as a Liberal. A preliminary meeting was held at Beaufort Castle, home of Lord Lovat, an avowed Conservative, prior to the convening of the main meeting at the Caledonian Hotel in Inverness on 14th January 1885. They went to considerable lengths to persuade the government that there was a genuine desire amongst proprietors to come to terms with their tenants. They attempted to give the impression that land legislation was impossible. The only possible bases for legislation were the Napier Commission Report, which had been rejected, and the Irish Land Act, which was not relevant to the Highlands because, amongst other reasons, the value of tenants improvements was derisory. The only other possibility would be for the government to buy land and establish crofting communities. Clearly, this was a political non starter in Scotland in the mid 1880s.³⁶

The landlord body was not united. Firstly, there were divisions on the value of having a meeting and then there is every indication of a forthright debate on the Resolutions which had been prepared by Lochiel and Munro Ferguson and refined at the preliminary meeting. Despite the scene of these preliminary meetings, Lord Lovat wrote privately to another Inverness landowner that he considered a meeting "injudicious". He feared that it would only provoke opposition and harden attitudes in the crofter's movement.³⁷

The proposals which the landlords adopted at the Inverness meeting were threefold. They undertook to offer, where possible, more land to crofters. Secondly, leases of 19 or 30 years, along with revised rents and compensation for improvements were to be volunteered to crofters who were not in arrear of rent. Thirdly, they reminded the Government that the Napier Commission had made a host of other recommendations, on fishing, transport, communications and emigration, which were far less controversial than those relating to land. It was in these areas which the proprietors envisaged a role for the government as a provider of loans to crofters and proprietors to aid with the development of the Highlands. Some landlords had already taken steps along these lines. The Duke of Sutherland, in response to demands from his tenantry had considered offering leases, arbitrated rents and low interest loans for improvements. The scheme was overtaken by events as the government attempted to legislate in 1885 and 1886.³⁸

Some proprietors were sceptical of the relevance or necessity of these changes. Lochiel in setting up the meeting had been critical of the small number of proprietors who, by such actions as rent increases, had provoked agitation and soiled the reputation of the generality of landowners who, in Lochiel's view, were conducting the management of their estates in a responsible manner. In this category he included William Fraser the owner of the Kilmuir estate in North Skye. Fraser ranked high in the demonology of the crofter's movement. Close behind him was W.L. Winans, a North American who had purchased and rented swathes of land in central and west Inverness-shire to facilitate his indulgence in questionable sporting pursuits.³⁹ MacLeod of MacLeod was also a sceptic. Like many landowners, his view was heavily prejudiced by the condition of his own estate. He pointed out to Lochiel that his resolutions were irrelevant. Crofters' improvements were not worth any compensation. More land and leases would not help as crofters did not have the financial capability or the technical aptitude to manage a sizeable piece of land. Reduced rents would be superfluous as existing crofter rents were already too low.⁴⁰ Despite the criticisms of such men they were still careful to send a representative to the meeting to ensure that they would be fully informed of the proceedings and their interests could be protected. In the case of Fraser and MacLeod, and the other major Skye proprietors, it was Alexander MacDonald, the Portree solicitor who handled their affairs. He received instructions to be cautious and not to commit himself to any scheme. Fraser believed peasant proprietorship would be preferable to wholesale intervention of the state. MacLeod instructed him to remind the meeting of the good relations between crofters and estate management and the continuing contribution of the estate to the social welfare of the crofters.⁴¹

Reaction in the press to the Resolutions of the Inverness meeting was predictable. Newspapers which had traditionally been supportive of proprietors, such as the *Inverness Courier* and the *Northern Chronicle* were impressed with the magnanimity of the landowners' offer to the crofters. Other titles which were more favourably disposed to the crofters were distinctly unimpressed with its conditional nature. *The Celtic Magazine* condemned them as "worthless" and "at least two years out of date".⁴² Elements of the Scottish, as opposed to the Highland, press were able to take a more balanced view. *The Glasgow Herald*, while emphasising the importance of the meeting, was unsure how far the proposals would satisfy the crofters. They pointed to the lack of a land court and the question of the provision of facilities for stocking increased land, which the proprietors wanted to leave in the hands of the government, as potential problems.⁴³ Certainly, the proposals which emerged from the Inverness meeting fell far short of the published demands of the Crofters' Movement. The London HLLRA had organised a conference in Dingwall in August of 1884. The proposals which were adopted at this meeting became known as the "Dingwall Programme". They included, immediate legislation to deprive the landlord of the power of eviction. The granting of the "three F's" to be administered by a Land Court. The proprietors were never likely to approach this level of political concession. But it was noted at the time that the meeting was significant because it marked the first real concerted attempt by landowners to state their case. Until early 1885 the Crofter's movement had been allowed to take, and hold, the initiative in the agitation.⁴⁴

The significance of the Inverness meeting has been greatly underestimated by historians. They accord it little importance in the origins of later crofter legislation. James Hunter largely repeats the HLLRA view that it was too little too late. I.M.M. MacPhail mentions it only briefly in his account of the origins of the Crofters' Act.⁴⁵ However, 1884 had seen little government action to deal substantively with the crofter question. The year had been dominated politically with the publication and subsequent rejection of the Napier Commission Report. As has been noted, it was partly through government encouragement that the Inverness meeting had been called in the first place. Lochiel had informed Harcourt of his proposals for the Inverness meeting in December of 1884. After the meeting Harcourt sent the details of the proceedings to the Prime Minister. Harcourt explained that he had told Lochiel and the Duke of Argyll that it was probably too late for voluntary action. On the other hand, he felt there was no point in granting more land by legislative means. This would not help the crofters if they could not find the money to stock the

additional land, and the government were resolutely opposed to providing money for the crofters. They felt that any loans to crofters to purchase stock could not be properly secured due to the fluctuations in the price of stock. The practice of common grazing also did not help in this regard as it made it difficult to establish the ownership of stock.⁴⁶ J.B. Balfour, the Lord Advocate, advised the government that legislation could be contemplated granting security of tenure. This would necessitate a structure for the setting of a fair rent. Further, since crofters had largely undertaken their own improvements it was equitable that they should be compensated for them. This was not considered a very critical concession to make because of the low value of most crofter improvements.⁴⁷

IV

So, by early 1885 it was clear that the government were committed to the idea of legislation for the crofters along the lines detailed by the Lord Advocate in his letter to the Home Secretary. The motivations for this are unclear. It has been argued that the crofters' legislation was the result of a three cornered relationship between the government, the proprietors and the crofters' movement. The historian who offers this argument is dismissive of the contribution of the government and the proprietors. He argues that the factor which prompted the government to legislate was the threat of the crofters "physical repossession of the land and the eviction of the landlords' larger sporting tenants".⁴⁸ Certainly, the government were worried about the agitation. However, it is important to appreciate that the crofters' demands were limited. They were not demanding the end of landlordism, rather, the redefinition of the landlord tenant relationship. The granting of some extra land, security of tenure, fair rents and compensation for improvements, demands which could all be accommodated within the existing social structure, fell far short of the usurpation of the landlords' social position. The government were determined to attempt to restore law and order, although they were worried about the prospects of doing this without running the risk of "increased agitation and excitement".⁴⁹

The government weighed carefully the submissions of the landlords following the Inverness meeting. In private, as well as in public, they were dismissive of the role of the HLLRA. They contended that their views were far in advance, and hence not representative, of the majority of crofters. The other major problem for the government in dealing with the crofters' movement, certainly, before the electoral successes of November and December 1885, was to find a leader who could be

regarded as representative of the movement. Charles Fraser- MacKintosh had hitherto been regarded as a respectable exponent of the crofters' case. As the agitation proceeded doubts were entertained about his ability to convey the views of the generality of crofters.⁵⁰

Certainly, it is correct to argue that the proprietors were slow to evolve a response to the agitation. However, it is possible that the reason for this is concerned with the limited nature of the agitation. Only a small number of landowners were seriously affected by the actions of the crofters. The agitation was confined to a number of specific areas. It is possible that many landowners felt there was no need to evolve a joint position because the agitation was either irrelevant to them or a mere irritant. The limited nature of the agitation ensured that it was not perceived as a threat to their social position. They had to be prompted by the government and men with a reputation for public service, such as Lochiel, before they convened at Inverness. Those who were affected by rent strikes and other tactics, such as Fraser of Kilmuir, received scant sympathy from other proprietors. "Landlordism" was not a monolithic force. It is also unhelpful to stereotype proprietors as a "vastly rich elite".⁵¹ Certainly there were immensely wealthy men among the Highland proprietors. However, many landowners were as far removed in wealth and social position from the likes of the Dukes of Argyll and Sutherland, as the crofters were from them.

Indeed, it can be argued that the threat of ill considered government action was what the landlords feared most. It was this which stirred them to action. One of the most important elements in the discussion between government and proprietors over legislation was the area to be covered by legislation. The reluctance to regard the crofters as a special case went back to the earliest days of the agitation. There was a fear that if special land legislation was applied to a crofter area, however defined, it would inevitably be applied to the rest of Scotland at a future date. Both the landlords and the government were keen to avoid any unnecessary alterations in general tenorial relations in Scotland. This was one of the best arguments for voluntary action in Lochiel's view. It was more flexible and could be applied as the need arose. A second worry in this area arose from the landlords' proposals. They had demanded action to relieve poverty and encourage development in the Highlands, through emigration and government expenditure. The government did not appreciate why the Highlands should be regarded as worthy of special treatment in this regard. As Harcourt stated;

The objection ... is, that if they are good enough for the Highlands they are good enough for the United Kingdom, and there is no possible reason why the state should emigrate a pauper in Skye more than a pauper in Spitalfields.⁵²

This was an academic question as the government had no intention of legislating along these lines. The Highlands could be defined in terms of a special system of land tenure, although this was not an easy task. Some Liberals, including R.C.Munro Ferguson, the MP for Ross and Cromarty, felt it to be impossible. Harcourt and Balfour were unclear on how to resolve this difficulty. In a similar fashion to his basing of Irish land legislation on a supposed historical basis of customary rights to land, Gladstone proposed to extend this principle to the Highlands. He argued that the people had an historic title to the land which had been usurped by the proprietors for material gain. He regarded this as a "wrong" which ought to be redressed despite the passage of time since the clearances. He argued that the rights of property in the Highlands were not absolute but came with "engagements" in the shape of this history.

For it is, after all, this historical fact that constitutes the crofters' title to demand the interference of Parliament. It is not because they are poor, or because there are too many of them, or because they want more land to support their families, but because those whom, they represent had rights which they have been surreptitiously deprived to the injury of the community.

Clearly, a Victorian Liberal conscience, such as that of Gladstone, required an exceptional set of circumstances to justify an interference in property rights. The Prime Minister suggested that any new law could be applied to parishes with an established history of common pasturage within the previous century. When this definition became public it led to complacency among proprietors in the fringes of the Highlands, such as Caithness, that they would not be affected by the Bill.⁵³

By the end of January, once the views of the proprietors had been digested and the agitation showed no signs of decreasing the government began to consider the provisions of a crofter bill. The expectations of the crofters movement, fuelled by the "Dingwall Programme" had risen to new heights. Elements in the government argued that a Bill along moderate lines "would at all events clear the air and show the people what they have a reasonable prospect of getting".⁵⁴ This was based on the

assumption that the crofters would be satisfied with far less than the demands of the HLLRA. In some ways this was surprising. The government had seriously underestimated the crofters' expectations in 1883 and 1884 when the Napier Commission was appointed and when it reported.

If it had ever been in doubt, the rejection of Napier's proposals was confirmed in the drawing up of this bill. By mid February, Harcourt, with the assistance of Rosebery and J.B.Balfour, was ready to submit his bill to the cabinet. He warned the Prime Minister that an announcement would have to be made as soon as possible as to the government's intentions.⁵⁵ When the Cabinet considered the draft Bill there was some dissent. The Marquis of Hartington, the Secretary for War condemned the measure, based on security of tenure, rent revaluation and compensation for improvements, as "too much". Demonstrating the diversity of the Liberal cabinet, Joseph Chamberlain derided it as "too little".⁵⁶ Chamberlain was well known for his anti landlord views. At Inverness in the course of the 1885 election campaign he called for the institution of landlordism to be carefully examined. He condemned the Highland landlords as "irresponsible" and their conduct of estate management as a mixture of "extortion and exaction".⁵⁷ By late March, or early April, the Bill had been refined and came before the Cabinet once again. Even at this late stage the discussion still centred on the geographical line within which it would operate. Gladstone's "historicist" definition was finalised. Harcourt was given the authority to present his Bill to Parliament when the opportunity arose.⁵⁸ Rumours reached the Highlands of a moderate measure "far short of the crofters expectations".⁵⁹ However, it was not until the middle of May that the Bill was presented to Parliament by the Lord Advocate. Balfour spent much of his speech defending the concept of special legislation for the Highlands. He pointed out that in the rest of Scotland land was held by tenants who entered into free contracts with landowners. In the Highlands, historically, freedom of contract did not prevail. Other peculiarities included the smallness of the holdings, the practice of tenant improvements and common pasturage. The 1885 Bill granted security of tenure to all crofters. Valuers were to be appointed to fix rents. Compensation for improvements was to be made available. However, no compulsory provisions for granting more land to crofters were included. This was justified by the apparent willingness, as signified by the Inverness resolutions, of proprietors to voluntarily give more land to their tenants.⁶⁰

Reaction to the Bill was diverse. Perhaps the most common description of it was "moderate". Although in some cases this adjective was used more in criticism than approbation.⁶¹ At the extremes opinion was predictably polarised. Supporters of the crofters' movement, such as the *Oban Times* and the *Scottish Highlander*, described it variously as "inadequate" and "worthless".⁶² Dedicated critics of the crofters' case, such as the *Scotsman* and *The Northern Chronicle*, attacked, not only the details of the legislation, but the very idea of legislating on behalf of special groups.⁶³ The crofters' movement attacked the Bill because they felt it was descended directly from the proposals which had been made by the proprietors in Inverness in January. The principal criticism which was made was that the Bill made insufficient provision for the settlement of the principal grievance of the crofters; the need for more land.⁶⁴ Nevertheless, the Conservatives were "perplexed", to use Arthur Balfour's expression, to know how to respond. Balfour had been delegated by the Conservative party, at the suggestion of some of the Highland proprietors to coordinate the opposition to the Bill. However, he was aware that outright opposition would not advance the Conservative cause in the Highlands. Further, there was the possibility that the Bill would take the heat out of the agitation and make it easier, politically, for the government to enforce the law with vigour. All this went against the Conservative grain, which was to oppose a Bill which violated property rights and perpetuated crofting conditions.⁶⁵ These tactical considerations were also evident at the local level in the Highlands. The Commissioners of Supply in Inverness-shire discussed the possibility of sending a petition to the government in support of the Bill. This horrified some of the more partisan Tories in the County, such as Major Fraser of Kilmuir and Lord Lovat.⁶⁶ However, the Bill did not reach the statute book. The Liberal government fell unexpectedly on the 8th of June. Irish nationalist MPs, dissatisfied with Liberal coercive measures in Ireland, supported the Conservatives on an amendment to the Budget and brought Gladstone's second administration to an end

The Conservatives were forced reluctantly to enter a period of minority caretaker government. New electoral rolls had to be prepared for a general election, the first under the new franchise granted under the third Reform Act, which would be held in November and December. There has been some speculation as to Conservative intentions of bringing in their own Crofters Bill in this period. Even if some thought was given to the subject, no substantive proposals emerged. The first Secretary for Scotland, The Duke of Richmond and Gordon, was extremely reluctant to touch the question.⁶⁷

V

The 1885 elections have been hailed by historians as the most significant the Highlands had ever seen. The Crofters' movement put up candidates in all the crofting counties and the Northern Burghs. 5 crofter MPs were returned. The result caused much annoyance in Liberal as well as Conservative ranks. In Ross and Cromarty, the defeated Liberal, R.C. Munro Ferguson, declared that he had been defeated by the votes of "illiterates". Leading Liberals were warned not to oppose Crofter candidates at future elections.⁶⁸

Gladstone resumed office at the beginning of February, he had a majority courtesy of the 86 Irish nationalist MPs pledged to support him after his conversion to Home Rule. Gladstone's short lived third administration was dominated by Home Rule and the Liberal split. However, a Crofters' Bill was the main piece of Scottish legislation on the agenda. The new Scottish Secretary, G.O. Trevelyan, urged the Prime Minister to act quickly. The ground had been prepared by the Bill of the preceding year and there was every chance of getting the Bill through if room could be found for it on the Parliamentary timetable.⁶⁹ The controversial issues, such as the geographical limits of the Bill had been settled in 1885. This allowed the cabinet to deal promptly with Trevelyan's Bill, which was closely modelled on Balfour's. The Bill received its first reading on the 25th of February, only three weeks after the formation of the government.⁷⁰

The Bill appeared to muted comment compared to its predecessor. The only appreciable differences were the establishment of a permanent Land Court compared to the Valuers of 1885 and the provisions for enlargements to the grazing land of crofters were stronger. The latter innovation did not impress the pro crofter press, which lamented the inadequacies of the Bill, but to a lesser degree than in 1885.⁷¹

The Crofter MPs, of whom so much was expected, proved to be impotent in the debate on the new crofter's bill. The debates in 1886 were not as vigorous as those of the previous year. The issues had been well aired then and there was little appetite for a full rehearsal of the arguments. Certainly, they were able to put pressure on the government to have the enlargement provisions of the Bill strengthened. However, the government was able to successfully resist such pressure.⁷² By the time the Bill passed its parliamentary stages and received Royal assent in June, prior to the fall of the government, organs of the crofters' movement were condemning it as useless. The Crofter MPs had probably arrived in Parliament a year too late to meaningfully

influence the content of crofter legislation. This is in addition to their small voting power. Certainly, they had the reciprocal support of the Parnellites. However, the latter were unlikely to indulge in any action which would endanger the vulnerable Liberal administration which held the prospect of Home Rule for Ireland.⁷³

The Crofters Holdings (Scotland) Act of 1886 was modelled on the Irish Land Acts of 1870 and 1881. Crofters were defined as those year to year tenants, ie, those without a lease, paying rent of less than £30 and residing in a crofting parish. Those parishes, within the seven crofting counties, which could demonstrate the existence of crofters with common grazing in the period since 1806 qualified. The Act granted security of tenure to all such crofters, subject to the conditions that they paid their rent on time, maintained their holdings and buildings to an acceptable standard and did not subdivide or sublet their crofts. A Crofters' Commission was set up to set fair rents and adjudicate on arrears.⁷⁴ The Commission also set the levels of compensation for unexhausted improvements when a crofter left his holding. The Act also allowed a croft to pass at death to an heir at law. The crofter could not assign his tenancy to any other individual. The enlargement provisions allowed a group of five crofters to apply to the land court for extra grazing land. This land had to be contiguous to their holding and be under the same landlord. A host of conditions on the types of land available for enlargements ensured that these provisions were largely redundant. It is important to realise that the act created crofters not crofts. If an individual fulfilled all the necessary conditions on the 25th of June 1886, the day the Act received Royal Assent, he would be admitted to its protection. If these conditions only became applicable at a later date he could not be defined as a crofter. Crofter status could only be passed on to a legal heir and not to any third party. So, the Act created a highly static position. The crofter area was unlikely to expand under this regime, indeed, it could very well contract.

One historian has described the reaction of the "propertied classes" to the new act as "inevitable and unimportant...shrieks of alarm".⁷⁵ Certainly some outrage was evident. MacKintosh of MacKintosh described the Act as "detestable" and Fraser of Kilmuir declared that he would rather have his estates bought over completely than suffer the dual ownership proposed by the Bill.⁷⁶ However, most were resigned to the passing of the Bill. The events of 1885 had prepared them for the inevitability of a crofter Bill. Even such a resolute opponent of the concepts behind the Bill as the Duke of Argyll felt that its passing could help to restore normality on his estate.⁷⁷

VI

The Crofters' Act has been viewed in a number of different ways by historians. Indeed, an interesting historiographical tradition has arisen. Essentially, there are two schools of thought. Those who have considered it in the context of the legacy of the clearances and the rhetoric of the crofters' agitation of the 1880s, are impressed with its contribution to social justice. Thus, Eric Richards can claim that the Act represented "unambiguous gains for the crofters at the expense of the landlords; the crofters act was a great victory for the common people". James Hunter, in a similar vein, argues that it represented a watershed in which the power of the proprietor went into terminal decline. Iain Fraser Grigor argues that the critical factor in the making of the act was the crofters agitation and that it represented "a tremendous achievement for the crofters";

From the rich and the powerful, the common people of the Highlands had forced concessions to meet the grievances of generations.⁷⁸

What has been demonstrated here has a different emphasis. Certainly, the crofters' agitation was not unimportant. It had helped to move the issue through its different phases. From being seen as an administrative problem to being considered politically; or from being perceived as a component of the general, nationwide, tenurial framework, to being recognised as a special case worthy of exceptional treatment. This was their biggest achievement over the landlords. Their most sophisticated and politically aware spokesman, Cameron of Lochiel, was perpetually concerned about the problems which this type of recognition would lead to in the future. The process by which the government was convinced that the agitation concealed greater grievances and that it could be quelled only by legislation is more complicated than a simple reaction to the lawlessness of the crofters' war.

The government were aware that neither the crofters' movement, nor the landlords, represented a monolithic force. Most of 1884 was taken up with an attempt to discover what level of concession would satisfy the generality of the crofters, rather than silence the vocal activists of the crofters movement. A further and parallel trend in this period was an attempt to discover if voluntary concessions by the landlords would be enough to obviate legislation. The dialogue with respectable landlordism helped to isolate these proprietors, like Fraser of Kilmuir, who were considered to have contributed to the agitation by their harsh estate management. Thus, it is

difficult to see the Crofters Act as merely a product of a two dimensional conflict between a justly aggrieved crofting population and a vindictive set of proprietors. The Act was the product of a government calculation of what was necessary and possible. The hiatus created by the fall of Gladstone's second administration, the period of Conservative caretaker government and the subsequent re-election of the Liberals, did much to take the heat out of the question. The 1886 Bill had a rapid passage through parliament. Even the arrival of the Crofter MPs could not deflect the government from its course.

Other historians, who have taken a more critical attitude to the rhetoric of the crofters' movement, are less impressed with the Act as an instalment of social justice. As has been noted, the Act created a static structure of land holding, with only limited opportunity for development. These historians have been able to see beyond the "justice rhetoric" of the crofter's movement to a more complex appreciation of the legacy of the Act. Although the Act may have made eviction almost impossible, this was a pyrrhic victory. The forces which had generated the clearances had gone into reverse and the exploitation of crofter's land for commercial purposes was a muted threat. The new development of commercialised sport posed a much less direct threat to the crofters and their land.⁷⁹ These historians have been concerned to note that the Act, and the subsequent resistance to its fundamental alteration, served to perpetuate congestion. The method by which the croft was deemed heritable, and the prohibition of subdivision, created a dilemma for the crofting community. It meant that the new structure could only provide for a portion of the succeeding generation of crofters.

For better, or worse, the Crofters Act was the defining feature of the next 40 years of Highland history. To properly understand its legacy, an investigation of to what extent the policy developments over that period represented a refinement of the status quo or a challenge to it, is critical.

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3. R.H. Campbell, "Landlords and Tenants in South West Scotland in the Late Nineteenth Century", in L.Leneman (ed), *Perspectives in Scottish Social History: essays in honour of Rosalind Mitchison*, (Aberdeen, 1988), 163-180; I. Carter, *Farmlife in Northeast Scotland, 1840-1914*, (Edinburgh, 1979), Chap 3.

4. The origins of the agitation have been examined by I.M.M. MacPhail, *The Prelude to the Crofters War*, *TGSI*, 49, (1974-6), 159-88; J. Hunter, *The Making of the Crofting Community*, (Edinburgh, 1976) Chap 9; **T.M. Devine**, *The Great Highland Famine*, (Edinburgh, 1988), Chap 8; D.E. Meek, "The Land Question Answered from the Bible", *SGM*, (1987), 84-89.

5. For details of the events at Braes see, H.J. Hanham, "The Problem of Highland Discontent, 1880 to 1885", *Transactions of the Royal Historical Society*, 19, (1969), 21-30; I.M.M.MacPhail, *The Crofter's War*, (Stornoway, 1989), 36-52; Hunter, *Crofting Community*, 133-7.

6. HRA, Inverness-shire Commissioners of Supply Papers, R/13, County of Inverness, Police Committee, Resolution, 2nd December 1882; J.B.Balfour (Lord Advocate) to Sheriff Ivory, 3rd November 1882. This source has only recently been discovered by Mr Robert Steward, the Highland Regional Archivist, I am grateful to him for drawing it to my attention and allowing me to use it; MacPhail, *Crofters' War*, (Stornoway, 1989), 42.

7. *PD*, 3rd Series, Volume 273, Columns 766 to 783, 4th

August 1882.

8. BL Add MS, 44476, ff 245-7, WEGP, Memorandum by the Lord Advocate, 7th September 1882; 44197 ff 144-6, Harcourt to Gladstone, 25th November 1882; 44546 ff 40, Gladstone to Harcourt, 25th November 1882.

9. C.Dewey, "Celtic Agrarian Legislation and the Celtic Revival: Historicist implications of Gladstone's Irish and Scottish Land Acts, 1870-1886", *Past and Present*, 64, (1974), 56-63; Foster, *Modern Ireland*, 395-97 & 412-14; similar debates had been evident in the development of agrarian policy in India from the 1850s; see, R.D.C. Black, "Economic Policy in Ireland and India in the Time of J.S. Mill", *Economic History Review*, 21, (1968), 321-336; for the impact of such thinking on Highland land legislation see below, 16.

10. PD 3S, 277, 797, 19th March 1883.

11. BLO, MS Harcourt, Dep 114, ff 101-2, Alexander Nicolson to Harcourt, 14th March 1883; ff 104-5, Lady Gordon Cathcart to Harcourt, 14th March 1883; ff 110-12, John MacDonald, Inverness HLLRA, to Harcourt, 13th March 1883.

12. A. MacKenzie, *A History of the Highland Clearances*, (Inverness, 1883); W.F. Skene, *Celtic Scotland, A History of Ancient Alban, Volume III, Land and People*, (Edinburgh, 1880); Evidence of J.S.Blackie to the Royal Commission into the Condition of the Crofters and Cottars in the Highlands and Islands of Scotland, PP 1884, XXXVI, 3372-86; Blackie was a classical scholar and an activist in support of such causes as university reform, the establishment of a Chair of Celtic at Edinburgh University and the Crofters.

13. BLO, MS Harcourt, Dep 114, ff 116, Napier to Harcourt, 17th March 1883; ff 131 Lochiel to Harcourt, 13th June 1883; J.P.Maxton, "The Problems of Land Tenure in the Highlands of Scotland", *Proceedings of the First International Conference of Agricultural Economists*, (1929), 36.

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15. Skene, Edwards and Garson Papers, Deed Box A6, Lady Gordon Cathcart No6, Bundle 14, Proceedings at the Home Office, Whitehall, on a Deputation to the Lord Advocate, with reference to the Scotch Crofters, 2nd May 1884

16. Hatfield House MSS 3M/E, Lochiel to Salsibury, 2nd December 1883; a copy of this letter can also be found in

the Achnacarry Castle MSS.

17. BLO, Harcourt Dep 115, ff 158-9, Napier to Harcourt, 1st November 1883.

18. *Report of the Royal Commission to Inquire into the condition of the Crofters and Cottars of the Highlands and Islands of Scotland*, PP 1884 XXXVI, 17.

19. *Report of the Royal Commission, 1884*, 17-22.

20. *Report of the Royal Commission, 1884*, 121-34.

21. *Report of the Royal Commission, 1884*, 22 & 41.

22. *Report of the Royal Commission, 1884*, 39 & 51; BLO MS Harcourt Dep 115, ff 7-10, Napier to Harcourt 3rd April 1884.

23. HRA, Inverness-shire Commissioners of Supply Papers, R/13, Lochiel to Cantray, 3rd November 1884; same to same, 6th November 1884, same to same, 4th December 1884.

24. BLO, Harcourt DEP 115, ff 13, Memo by the Lord Advocate on the Recommendations of the Crofter's Commission Report; ff 15-44, Memo by Sir William Harcourt in regard to the Report of the Crofter's Commission, 29th July 1884.

25. BL Add MS 44547, WEGP, W.E Gladstone to W.H. Gladstone, 14th September 1884.

26. *Oban Times*, 3rd May & 10th May 1884.

27. *PD*, 3S 293, 1731-31, 1751-57, 1758-60, 14th November 1884.

28. Alexander MacKenzie, "Report of the Royal Commission: An Analysis"; *Celtic Magazine*, 104, June 1884, 359-82.

29. Duke of Argyll, "A Corrected Picture of the Highlands" *Nineteenth Century*, XVI, (1884), 681-701.

30. For a discussion of the Duke's ideas on land and rural society see; J.W. Mason, "The Duke of Argyll and the Land Question in late Nineteenth Century Britain", *Victorian Studies*, 21, 1977-8, 149-70.

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32. Achnacarry Castle MSS, Lochiel to Harcourt, 20th December 1884. I am grateful to Sir Donald Cameron of Lochiel, KT, for his help in using the Achnacarry Castle MSS.

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35. See Donald Cameron of Lochiel, "Speech to the 13th Annual Dinner of the Gaelic Society of Inverness", *TGSI*, XI, (1884-85), 106-12; HRA, AG INV 10/69, Kilmuir Estate Papers, Lochiel to Alexander MacDonald, 2nd December 1884.

36. Achnacarry Castle MSS, Lochiel to Harcourt, 20th December 1884.

37. HRA, R/13 Inverness-shire Commissioners of Supply Papers, Lovat to Cantray, 4th December 1884; *Glasgow Herald*, 15th January 1885; A.G. Gardiner, *The Life of Sir W.V. Harcourt*, (London, 1923), 531-3.

38. "Conference of Landlords at Inverness", *TGSI*, XI, (1884-85), 134-136; SCRO, Sutherland Estate Papers, D 593 N/4/1/2, Memorandum in Reply to Petitions to His Grace the Duke of Sutherland, from the various Parishes of Sutherland, 19th November 1884.

39. HRA, Kilmuir Estate Papers, AG INV 10/69, Lochiel to Alexander MacDonald, 2nd December 1884; BLO, MS Harcourt Dep 115, ff 73, Lochiel to Harcourt, 15th November 1884.

40. Dunvegan Castle MSS, 4/1381, MacLeod of MacLeod to Lochiel, 1st December 1884; Mr John MacLeod of MacLeod was unique among the owners of the private archives used here, in that he imposed a charge for the use of his muniments. Namely, £50 for the first days work and £15 thereafter.

41. HRA, Kilmuir Estate Papers, AG INV, 10/31, William Fraser to Alexander MacDonald, 8th January 1885; Dunvegan Castle MSS, 2/721, MacLeod of MacLeod to MacDonald, 9th January 1885.

42. *Inverness Courier*, 15th January 1885; *Northern Chronicle*, 21st January 1885; Alexander MacKenzie, "Landlord Resolutions at Inverness", *Celtic Magazine*, 113, March 1885.

43. *Glasgow Herald*, 15th January 1885; for a similar emphasis see J.Rae, "The Crofter Problem", *Contemporary Review*, 47, (1885), 196.

44. *Northern Chronicle*, 21st January 1885.

45. Hunter, *Crofting Community*, 153; MacPhail, , 169-70.

46. See PRO, CAB 37/14/166-174, Confidential Letters Relating to the Skye Crofters; /166-167, Lochiel to

Harcourt, 20th December 1884; /167-169, J.B.Balfour (Lord Advocate) to Harcourt, 13th January 1885; /169-173, Harcourt to Gladstone, 17th January 1885; /173-174, Lochiel to Harcourt, 19th January 1885. This source can also be found in the following locations, BL Add MS 44630, WEGP ff 166-74; BLO, MS Harcourt Dep 116, ff 68-76; SRO, RH 4/9/6. The references in this chapter will be for the PRO; Inveraray Castle MSS, Bundle 1616, Harcourt to the Duke of Argyll, 17th November 1884.

47. PRO, CAB 37/14/169, J.B.Balfour to Harcourt, 13th January 1885.

48. I.F.Grigor, *Crofters and the Land Question, 1870 - 1920*, (University of Glasgow, PhD Thesis, 1989), Volume II, 18-19.

49. PRO, CAB 37/14/170, Harcourt to Gladstone, 17th January 1885.

50. Achnacarry Castle MSS, Harcourt to Lochiel, 20th January 1885.

51. Fraser Grigor, *Crofters and the Land Question*, II, 19.

52. PRO CAB 37/14/170, Harcourt to Gladstone, 17th January 1885; SRO, Balfour of Whittinghame Muniments, GD 433/2/78/8, Lochiel to A.J.Balfour, 28th January 1885; Achnacarry Castle MSS, Harcourt to Lochiel 23rd January 1885; BLO, MS Harcourt Dep 116, Lochiel to Harcourt, 26th January 1885.

53. PRO, CAB 37/14/173-4, Gladstone to Harcourt 19th January 1885; NLS, Rosebery Papers, MS 10017, ff 1-3, Munro Ferguson to Rosebery, 9th March 1885; Thurso Estate Office, Sinclair of Ulbster MSS, Letters to the Proprietor, 1880-1887, ff 593, G.Logan to Sir Tollemache Sinclair, 14th March 1885; for a convincing discussion of the wider context of such thinking, see Dewey, "Celtic Agrarian Legislation" *Past and Present*, (1974).

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55. BL Add MS 44199, WEGP, ff 181-2, Harcourt to Gladstone, 14th February, 1885; PRO, CAB 41/19/9/60, Gladstone to Queen Victoria, 16th February 1885.

56. BL Add MS 44646, WEGP, ff 38, Notes of the Cabinet Meeting of 16th February 1885; A.B. Cooke & J. Vincent, *The Governing Passion: Cabinet Government and Party Politics in Britain, 1885-6*, (Brighton, 1974), 198.

57. J.L. Garvin, *The Life of Joseph Chamberlain*, (London, 1933), Volume II, 68-9.

58. BL Add MS 44646, WEGP, ff 71, Notes of a Cabinet Meeting of March 27th 1885; 44547, ff 193, WEG to Sir Henry Ponsonby (Private Secretary to Queen Victoria), 1st April 1885; 44548 WEG to Harcourt, 16th April 1885; Cooke and Vincent, *Governing Passion*, 225.

59. HRA, Kilmuir Estate Papers, AG INV 10/31, W.Fraser to Alexander MacDonald, 11th March 1885.

60. PD, 3S, 298, 844-862, 18th May 1885.

61. *Glasgow Herald*, 20th May 1885; *Inverness Courier*, 21st May 1885.

62. *Oban Times*, 23rd May 1885; *Scottish Highlander*, 24th July 1885.

63. *Scotsman*, 20th May 1885; *Northern Chronicle*, 21st May 1885.

64. *Inverness Courier*, 26th May 1885; *Oban Times*, 23rd & 30th May 1885.

65. HRA, Kilmuir Estate Papers, AG INV 10/31, William Fraser to Alexander MacDonald, 24th May 1885; R.H. Williams (ed), *The Salisbury - Balfour Correspondence*, (Hertfordshire Record Society, 1988), 118, A.J. Balfour to Salisbury, 8th June 1885; BL Add MS 49800, AJBP, ff 7-8, Duke of Argyll to AJB, 5th March 1886; it was Balfour's involvement in these debates which suggested to Salisbury that he would be suitable for the post of Secretary for Scotland, to which he was appointed in July 1886; see B.E.C. Dugdale, *Arthur James Balfour*, (London, 1936), 108.

66. HRA, Kilmuir Estate Papers, AG INV 10/31, Fraser to MacDonald, 28th May 1885; same to same, 2nd June 1885.

67. Hatfield House MSS, 3M/E, ff 234-5, Richmond and Gordon to Salisbury, 20th December 1885; ff 236-7, same to same, 26th December 1885; Cooke & Vincent, *Governing Passion*, 289-90.

68. MacPhail, *Crofters' War*, 147-69; Hunter, *Crofting Community*, 153-4; NLS, Rosebery Papers, MS 10017, ff 13, Munro Ferguson to Rosebery 3rd December 1885; ff 15, same to same, 26th December 1885.

69. BL Add MSS, 44494, WEGP, ff 117, WEG to J.B.Balfour, 3rd February 1886; 44335, ff 198, G.O.Trevelyan to WEG, 11th March 1886.

70. BL Add MS, 44647, WEGP, ff 3, Notes of Cabinet Meeting, 15th February 1886; ff 22, Notes of Cabinet Meeting, 22th February 1886; ff 26, Notes of Cabinet Meeting, 25th February 1886; PRO, CAB, 41/19/9, WEG to Queen Victoria, 16th February 1886, CAB, 41/20/8, same to

same 25th February 1886; Cooke & Vincent, *Governing Passion*, 376-7.

71. *Glasgow Herald*, 27th February 1886; *Inverness Courier*, 2nd March 1886; *Northern Chronicle*, 3rd March 1886; *Oban Times*, 6th & 20th March 1886, 10th April 1886; *Scotsman*, 27th February 1886; *Scottish Highlander*, 4th March 1886.

72. PD, 3S, 302, 1315-1331, 25th February 1886; W.C. Lubenow, *Parliamentary Politics and the Home Rule Crisis: The British House of Commons in 1886*, (Oxford, 1988) 196 & 343-4; *Oban Times*, 15th May, 22nd May, 19th June 1886.

73. A.O'Day, *Parnell and the First Home Rule Episode*, (Dublin, 1986), 172.

74. See Chapter 2 for a detailed discussion of the role of the Commission from 1886 to 1912.

75. Hunter, *Crofting Community*, 162.

76. SRO, MacKintosh Muniments, GD 176/2435/28, D.P.MacDonald to the MacKintosh, 9th June 1886; HRA, Kilmuir Estate Papers, AG INV 10/32, Fraser to Alexander MacDonald, 15th April 1886.

77. Dunvegan Castle MSS, 2/724, MacLeod of MacLeod to Alexander MacDonald, 2nd April 1886; BL Add MS, 498000, AJ BP, ff 7, Duke of Argyll to AJB, 5th March 1886; Inveraray Castle MSS, Bundle 1594, Duke of Argyll to factor, 25th May 1886.

78. Eric Richards, *A History of the Highland Clearances: Agrarian Transformation and the Evictions, 1746 to 1886*, (London, 1982), 494; Hunter, *Crofting Community*, 176; Fraser Grigor, *Crofters and the Land Question*, II, 18-19; I. Fraser Grigor, *Mightier than a Lord*, (Stornoway, 1979), 164.

79. MacPhail, *Crofters' War*, 172; A.I.MacInnes "The Crofters' Holdings Act: A Hundred Year Sentence", *Radical Scotland*, No 25, Feb/March 1987; W.Orr, *Crofters, Deer Forests and Landlords*, (Edinburgh, 1982), 119-123.

CHAPTER TWO.

The Crofter's Commission, 1886-1912.

Section 17 of the Crofter's Holdings (Scotland) Act, 1886, provided for the appointment of three Commissioners whose job it would be to administer the Act. The Commission had an active life of approximately twenty five years. This was much longer than other institutions, like the Congested Districts Board which will be examined in later chapters. Its very longevity makes it stand out. Consequently, it is important to place the various phases of the Commissions' work in the context of the ongoing debate on Highland policy which characterised this period.

Over the next twenty five years they travelled throughout the crofting counties fixing fair rents, granting enlargements, awarding compensation for improvements and dealing with the other legal and administrative points which were bound to arise in the working of an act for which there was so little precedent. It is the intention of this chapter to look at some of the political issues which surrounded the Commission, notably, the question of its geographic movements. This issue is at first sight mundane, but the debate raises questions of how the government intended to use the Commission as an element in its Highland policy. An opportunity is afforded to examine the accusations of collusion between influential landowners, particularly the Dukes of Sutherland and Argyll and Lady Gordon Cathcart, the proprietor of Benbecula, South Uist and Barra, and the Secretary for Scotland who had the final authority in the movements of the Commission. The first amendments to the Act which took place in 1887, and which concerned the circumstances in which a crofter could have the protection of the Act removed for non payment of rent before the Commissioners had sat and declared his fair rent, raise further questions worthy of scrutiny.

The proposals advanced for the reform of the Commission in 1888 will also be explored. This issue arose under pressure of criticisms of the slow progress of the Commission. The changes in the role of the Commission, and the nature of its activities as time passed, and the reactions of both crofters and proprietors to the Commission are further issues to be analysed. Finally, some attempt will be made to examine the decisions which the Commissioners made with particular reference to fair rent adjudications and applications for enlargement.

The appointment of the three Commissioners was governed by section 17 of the Act. One had to be a Gaelic speaker and another an advocate of the Scottish Bar of at least ten years standing. Although the two men who served as Chairman of the Commission, David Brand and Neil Kennedy, were also the legal members there was no provision that this had to be so. The legal member was to receive a salary of £1200 and be required to give up practice at the Bar; although if he was a Sheriff the Treasury demanded that the total sum he would be allowed to draw from his double capacity would be £2000. The two lay members were to receive a salary of £800 and were required to give up all private business.¹

The first Chairman of the Commission was David Brand who was currently Sheriff of Ayr. This was a classic Liberal appointment. Brand, the son of a Glasgow merchant, had no connections with the Highlands, familial, professional or intellectual. He had been an active Liberal, notably in Gladstone's "Mid-Lothian Campaign" prior to the general election of 1880, and had served as an Advocate Depute in the second Gladstone ministry. The other appointments provided some balance, both in terms of Highland connections and knowledge of agriculture. Mr Peter MacIntyre, a farmer from Easter Ross, provided the requisite knowledge of Gaelic. William Hosack a land valuator and agent, currently practicing in Oban, was the third member. William MacKenzie, a well known figure in journalistic and Gaelic circles in Inverness, was appointed Principal Clerk of the Commission.²

These appointments were made, and the Commissioners met for the first time, before the Act received Royal Assent in June 1886. This haste may have been stimulated by an awareness that the Commission would soon face a huge workload. However, there may have been a political element in the decision to make the appointments before the Government changed. Because of the lack of precedent for their work the personnel appointed to the Commission would be all important in determining its nature. This is not to argue that the commission was seen by the incoming Conservative government as partisan, indeed, throughout its existence the Commission in general, and Brand in particular, retained the confidence of Governments of both parties.³

I

The first potentially controversial issue to face the Commission was the confirmation of Crofting Parishes under Section 34 of the Act. The qualifications were the existence, in the 80 years prior to the Act, of year to year tenants paying less than thirty pounds rent, and holdings with a right of common pasturage. Difficulties were confined to the fringes of the Crofting Counties, the Marquis of Breadalbane protested about the inclusion of the parishes of Kilbrandon and Kilchattan, and Kilninver and Kilmelfort. Similarly the Earl of Cawdor questioned the decision concerning Arderseir and Petty.⁴ The greatest controversy came from Orkney. The island proprietors were violently opposed to their determination as crofting parishes. The dispute in all these cases concerned the status of the crofters' right of common grazing. The Orkney proprietors argued that there was no right "merely a tolerance". The Secretary for Scotland agreed that no written agreements had existed in this or in many other cases, and that although no "right" in legal terms could be recognised, the usage would have to be accepted as a de facto right.⁵

The initial political issues which faced the government concerning the new Crofter's Commission were; where should it begin its work and what were to be the criteria which would govern its movements? Because the Commission was not merely an administrative body, but an instrument of public policy, and because the Highlands had been in a state of unrest for a number of years, there were political issues for the government to ponder here. If the government hoped that the Commission would have a calming influence in troubled areas clearly it would be sensible to give areas like Skye, Tiree, the Outer Hebrides, and Western Sutherland immediate attention. One drawback from this approach was that the government left itself open to accusations of rewarding lawlessness, and ignoring the claims of crofters who had conducted themselves peaceably. This point was made with reference to Shetland, and more generally when the Commission spent time in Skye and Tiree in 1887.⁶

There were competing claims for the early attention of the Commission. Skye, due to the intensity of the agitation and the likelihood that proprietors would soon take legal action for the recovery of arrears, and Caithness due to the promptness of the applications. A factor as simple as the weather may have precluded an autumn visit to Skye. In the event the Commissioners began their work in Eastern Sutherland. The

low value of arrears and general absence of lawlessness suggest that this area might have been low on the Commission's agenda. Some suspected the Duke of Sutherland's influence with Lord Lothian, Balfour's successor as Secretary for Scotland, to be the crucial factor.⁷

It has been argued that in the longer term the Commission helped to pacify the Highlands, but in the short term uncertainty about its movements fuelled the agitation.⁸ Certainly, the early movements of the Commission provide enough evidence to suggest that as well as a judicial role the Commission also had a "policing" role to play. In March 1887 they began work in Skye and after leaving Skye work was continued in Tiree. Both islands had seen military expeditions in the course of the previous twelve months. Arthur Balfour made clear in a confidential memorandum to Alexander MacDonald, factor to Colonel Fraser of Kilmuir, who was considering legal action for the recovery of arrears, that it would be politic for them to wait until the Commission had adjudicated in the fair rent applications before they took such drastic action, adding that he could not see any circumstances in which the Government would be likely to sanction the use of military forces to help with the recovery of rent. Balfour was well aware that military force could do little to deal with the rent issue, which was the most pressing consideration, only the Commission had the facilities for such a task. Brand later pointed out that this had been one of the most important contributions of the Commission, describing its ability to bring "tranquillity" in place of "agitation and discontent". William Ivory, Sheriff of Inverness, thought that even just giving notice of the Commission's intention to visit a particular area would "please the crofters and induce them to be quiet".⁹

The Commission had given the government wider scope in its policy towards the Highlands. Military force had been useful in the past but in many ways it was a limited instrument of policy, tending to create resentment and alienation and certainly lacking the problem solving capacities of the Commission.

One problem was that the Commission could not be in more than one place at a time. From 1886 to around 1892 its correspondence is replete with letters from a comprehensive selection of proprietors asking, demanding, and in some cases even pleading that the Commission should be sent to their estates forthwith. In a historiographical sense this is interesting. Contemporary writers described the Commission as a scandalous usurpation of proprietorial rights. Reginald MacLeod lamented their "despotic power" and described their cancellation of arrears as

"confiscation". Scott Moncrieff Penney, describing the sections of the Act referring to the Crofters Commission, describes them as "iniquitous", and pointed out that the Commission has the power to cancel debts which are due to the proprietor "for the enjoyment of his property".¹⁰ Modern writers describe the Commission in terms which imply that its decisions were a victory for the crofters against the will of the proprietor. This is stated despite the clamour by landlords for the Commission to adjudicate on their estates. One argues that the Crofters Commission was "responsive to Crofters' demands ... especially when these demands have been vociferously expressed."¹¹ Certainly, the various proprietors who asked for the Commission to be sent to their estates were acting pragmatically. Demanding a visit of the Commission did not amount to an admission that rents were too high or the burden of arrears too heavy. Sir John Campell Orde, the proprietor of North Uist, and one of the most prolific correspondents to the Commission, argued that the crofters on his estate were determined to pay nothing until the Commission had decided their fair rent:

It is plain to me that in the great majority of cases, the applications are made with a view to get quit of the arrears, and the crofters have a distinct interest in letting them increase.

He attributed this tendency on the part of the crofters to the "liberal" view of rents taken by the the Commissioners in their Skye decisions. Some felt that a possible way round this problem would be to limit the Commissioners powers with regard to arrears to those which had arisen before the passing of the Act, because,

As long as crofters are lead to understand and believe that that their arrears will be struck off by the Commission, they will not pay.¹²

In Lewis, Lady Matheson's factor found that the crofters were "resolved not to pay until the Commissioners come, and they say so openly". The proprietrix felt that "were a single township even dealt with, the present discontent would be much allayed". On the Cromartie estate in Ross-shire, the factor made a similar complaint to the Commission when requesting their presence on the estate. There can be no doubt that these proprietors, and Lady Matheson in particular, faced massive problems with arrears of rent. But demands were being made by others who did not face the same kind of difficulties. Campbell of Jura, on whose estate there were only 14 holdings to be dealt with asked in April 1888 if the Commissioners could be sent to the island. He claimed that no rent was being paid and felt that nothing but the

decision of the Commission would satisfy the crofters. Demands were made on the Commission from proprietors in all the Crofting Counties. In effect, the Commission was in an impossible position. Its movements, regardless of their nature, were sure to occasion displeasure from some quarter. Despite pressure to go to Orkney throughout 1887, when they eventually did go in 1888, among the responses were angry letters from MacLeod of MacLeod expressing regret that the Commissioners should have gone there instead of Skye.¹³

The issue which underlay this controversy was that of whose influence was being brought to bear on the Secretary for Scotland? Dugald MacDonald the Aberdeen Solicitor who represented the South Uist crofters before the Commission, stated quite bluntly that the crofters had gained the impression that the Secretary for Scotland's power to fix the sittings of the Commission was "only a new form of landlord tyranny". He made wider allegations, pointing out that it was the proprietrix, Lady Gordon Cathcart, who had made the fair rent application, as she was perfectly entitled to do. In this, and in the fact that the Commission had been sent to South Uist at a time when the majority of Crofters were allegedly absent from their holdings at the fishing, he detected a landlord conspiracy. This latter allegation was proved to be unfounded when the vast majority of crofters attended the sittings of the Commission in person. Such allegations did not impress the Commission, the proprietrix's agent, who condemned MacDonald as an agitator, or indeed the Government when they were raised in parliament.¹⁴ Nevertheless, applications by proprietors to fix fair rents tended to cause problems leaving crofters with the feeling that they had not been consulted. Crofters on the Island of Coll may have been expressing similar sentiments when they argued somewhat dramatically, that a "sinister influence" had been brought to bear on the Commission with regard to the matter of a visit to Coll. Brand was quite clear in his statements as to the issue of the proper criteria for deciding movements, pointing out in 1887 that "public interest must come above the wishes of individual landlords".¹⁵

The evidence for direct proprietorial influence is circumstantial. However, the Dukes of Argyll and Sutherland would appear to have been influential with Lord Lothian, the Secretary for Scotland. The Commission spent a good deal of time in Sutherland and went to Tiree directly after Lord Lothian received a letter from the Duke of Argyll requesting such a visit. The Duke then took advantage of the facility for proprietors to apply for fair rents to be set, in an attempt to induce the Commission to visit Tiree in 1887. Other proprietors were equally lacking in influence, notably Sir John Campbell Orde, whose many letters to the Commission failed to elicit such

a direct response. Skene Edwards and Bilton, agents for Lady Gordon Cathcart, also appeared to carry weight with the Scottish Office, they were asked to lay before the Secretary for Scotland information as to the most convenient time for the Commission to visit South Uist and Barra.¹⁶

Every proprietor who wrote to the Commission seemed to think that his case was the most pressing. However, the most persistent and concerted pressure on the Commission came from an organised group of Skye proprietors. They were not dissuaded from their demands by the fact that the Commission had spent a considerable amount of time in Skye during 1887. In November 1887 they presented a memorial to the Secretary for Scotland. Familiar arguments about deliberate withholding of rent on the part of crofters who had not yet had their fair rent fixed, and the unfairness of the Commission leaving Skye without dealing with all the applications were aired. The memorialists went on to argue that the government should be consistent in its attitude to arrears of rent on the part of crofters, and arrears of rates and other public burdens on the part of proprietors. The military expedition in the winter of 1886-7 had been concerned with collecting arrears of rates, the proprietors pointed out that;

It is a notorious fact that that for the last three or four years landed proprietors in Skye received almost no rent from crofters, while at the same time they are forced, under threat of legal proceedings, to pay the rates, taxes and other public burdens, including interest on mortgages exigible from their estates, just as if they had recovered their rents in full.

In conclusion, they pointed out that the agitation had begun, and had been conducted with the greatest intensity and the greatest cost to proprietors in Skye. Therefore, demonstrating that "the crofter cases in the Island of Skye should be first disposed of." In 1888 they renewed the pressure with appeals from a number of individual proprietors to Lord Lothian.¹⁷

These problems were caused by an unforeseen side effect of the policing role of the Crofters' Commission. For this policy to be effective the Commission had to cover as wide an area as possible as quickly as possible. This meant that areas had to be left unfinished as it was more important that the Commission should move on and establish its presence in as many areas as possible. This pattern is clear from the early movements of the Commission. After Sutherland they went to Skye in the

Spring of 1887, left without finishing all the cases, proceeded to Tiree, another troubled area but one in which the Commission's work was completed at one visit, before going to South Uist, where its work was left unfinished, North Uist, unfinished again, before proceeding to Caithness from where the first applications had been received. There was method in these meanderings though, the Commission would have its maximum effect if it sat prior to a rent deadline, if it missed such a deadline its effect would be blunted. For example, they decided that despite not having completed all the cases in North Uist in September 1887 it was more important that they should proceed to Caithness before the Martinmas term.¹⁸ Further, by adjudicating in a proportion of the cases in each area they would set a standard by which crofters and proprietors could come to private agreements. Section 5 of the Act made specific provision for such agreements. However, this hope did not come to fruition in many cases. One case where agreement was reached was on the Skaebost estate in Skye.¹⁹

Lachlan MacDonald of Skaebost was an exceptional proprietor, capable of grand gestures to his tenants - invitations for them to value their own crofts, and cancellations of arrears. However, as a small and wealthy proprietor with an income independent from his estate he could afford such generosity. Large landowners dependant on big rentals with heavy arrears could not.²⁰ This is not to say that more fair rents could not have been "settled out of court", this did happen in places like Lochaber, or Strathpeffer. It was not so likely on estates where the agitation had been conducted with vigour, creating a climate of mistrust between the estate managements and the tenants.²¹

A second problem resulting from the tendency of the Commission to leave areas unfinished was the fact that it created two classes of tenants; those who had had their fair rents fixed and those who had not. This situation caused some bitterness within the crofting community. It was reported that jealousy had arisen on the part of crofters who felt that they had not received such favourable attention from the commissioners as others, and further, that there would be difficulty in getting payment of rent from those crofters whose cases had not yet been heard by the commission.²²

It is possible to conclude at this point that the movements and activities of the Commission in the early years after the passing of the Act were governed by factors wider than ease of administration. The Commission was a component of public policy and as such it was involved in the task which the Conservative government

saw as their principal one with regard to the Highlands; that of keeping the peace and stifling the demands of the crofters for more reforms of the land laws. Other aspects of this policy included their attempted emigration schemes, programmes for the development of the Highlands through the extension of the communications network and the provision of employment through public works.

II

As with any new piece of legislation, the 1886 Act had teething troubles. One concerned the period between the application to the Commission by a crofter with arrears and the decision of the Commission in his case. This had caused problems from an early date. In a case in Portree Sheriff Court in October 1886 it had been declared that a landlord had no powers to undertake proceedings for recovery of rent in this period. Ivory felt this to have been an "unfortunate decision". He feared it would induce crofters not to pay rent until the Commissioners had sat. The case reached the Court of Session where it was decided that although the Act protected a crofter from eviction in this period it did not prevent the landlord from taking action to recover the debt.²³ Further problems were encountered over Section 1 which laid out the statutory conditions which had to be fulfilled by crofters if they were to receive security of tenure. The sixth of these conditions was that a crofter would lose the protection of the Act if he was declared a notour bankrupt. Quite soon there were accusations that some landlords were using this provision to deliberately deprive crofters of the protection of the Act, before the Commissioners had even had a chance to determine their fair rent. The tactic allegedly being employed was that the proprietor would institute proceedings whereby a crofter's effects, including his stock, would be sold to raise money to settle his debt of overdue rent. This would have the double effect of putting him in a position where he was declared a notour bankrupt, and also making it difficult for him to continue working his holding. These accusations concerned the government, who felt that such proceedings were contrary to the "spirit and intention" of the act.²⁴ Investigations by the Commission pointed to Caithness as the area where most of the problems were taking place. In particular the estates of Thrumster, Forse, and Latheron. The events on these estates had led to the crofters becoming "very indignant" and the government clearly saw the need to legislate.²⁵ However, there were other pressures on the government. Arthur Balfour, the Secretary for Scotland, summed up the situation neatly;

To deprive landlords altogether of the power of recovering their rents and arrears during the two or three years which will probably elapse before the Crofters Commission have completed their work would be manifestly unjust. At the same time to give them unrestricted power to deprive their crofters of all benefits from the Act may lead not only to great injustice, but also to considerable local disturbance and political difficulty.²⁶

1887 saw an amending act to give the Commission powers to sist (temporarily halt) proceedings for the sale of a crofters effects for the recovery of arrears. The Commissioners were duty bound to consider the circumstances in which the arrears had arisen. Modern writers on this issue have interpreted this Act as a direct response to the threat of proprietors pursuing their tenants for the recovery of arrears prior to the adjudication of the Commission.²⁷ This was a component of the Government's calculation, but it was only one of a number. The hope was not only that the Commission would grant sists, and thereby prevent any local difficulties, but that it would quash, and be seen to quash, applications for sists from crofters who were deliberately withholding arrears. It was not only the Government which espoused this position, Brand advocated it strongly;

A few instances of refusal by the Commissioners to sist proceedings for arrears which they were satisfied that the tenant ought to pay up, in whole, or in part, will tend to prevent the improper withholding of rents.²⁸

So, again, it is possible to argue that the Crofters' Commission and the Government were not simply responding to the demands of crofters, as some modern writing has implied.²⁹ The Government was using the Crofters' Commission as an authoritative body among proprietors, and crofters, to help in its re-establishment of "normal" social relations in the Highlands.

If this policy was to be successful the Commission had to proceed very quickly, and it soon became apparent that, as originally constituted, it was incapable of doing so. In its first year of operation the Commission received 8906 applications to fix fair rents but only managed to deal with 1767. By the time of the issue of its second annual report it had a backlog of 7621 fair rent applications.³⁰ Under the Act the Commission could only sit as one court, with all three Commissioners present, or alternatively, under Section 23 of the Act the Commissioners could delegate the

duties of the Commission to two Commissioners. The value of this was that the hearing of evidence and the inspection of holdings could take place simultaneously. In Sutherland and Skye all three Commissioners sat in Court, but by the time they reached South Uist, in the late summer and autumn of 1887, they found it necessary to use the provisions of Section 23. However, even this was not sufficient to speed the Commission up to the required degree, and as we have seen they were under pressure from proprietors.

The government considered a number of proposals. Firstly, the appointment of two additional commissioners, the object being to enable two courts to work simultaneously, with an eye to maintaining continuity one of the present Commissioners was to sit in each court. The second proposal before the government, one made by G.B. Clarke, the Crofters MP for Caithness, was to cancel the clause in the Act which provided that two Commissioners should form a quorum. This would enable each of the present Commissioners to sit in a court by himself aided by two assessors. Lord Lothian, the Secretary for Scotland, privately considered a third scheme; appointing three new Commissioners, who, with the addition of the three existing ones, would form three Commissions of two members each. One of these Commissions would concentrate solely on applications from the Islands. He felt that this would commend itself to all parties. It is interesting to note that Brand strongly favoured the first of these schemes arguing that it would "double the rate of progress". In the event the proposal which was embodied in the Act was Clarke's.³¹

It is difficult to say from the available evidence why this course of action was taken. Lothian did admit that it was the proposal favoured by the Lord Advocate, and it was the cheapest option, and hence attractive to the Treasury. Retrospectively, it was felt to have been a good decision, leading to;

a certain consistency of procedure, and uniformity of judgement
which greatly added to the weight of the Commissioners.³²

Not all those with experience of the Commission agreed with this perception. In fact, opinion was varied. The next section of this chapter will examine the reactions of different groups to its work. The varied newspaper comment, the differing reactions of crofters and proprietors, and the interesting reactions of estate managers and factors will all be considered.

III

Reaction to the Commission began even before it held its first sitting. Initial criticism came from a predictable source. The *Scottish Highlander*, an Inverness newspaper, run by Alexander MacKenzie and more a mouthpiece of the HLLRA than a newspaper of record, condemned the composition of the Commission as "objectionable" and labelled the individual Commissioners "landlord nominees". However, when the Commissioners' initial decisions were made known the attitude changed somewhat. The reductions of rent and the cancellation of arrears in Skye were held to be a justification of the agitation and were generally welcomed. It is most difficult to gauge the reactions of Crofters to the decisions of the Commission. The Commission felt that the fair rents fixed in Skye were giving "every satisfaction". The *Oban Times*, a paper with a similar perspective to MacKenzie's, followed the same editorial line.³³ However, the *Scottish Highlander* carried many reports of meetings of Crofters where the Commission and all its works were condemned. The objectivity of these reports can be questioned. The *Scottish Highlander* of July 14th 1887 contained a report of a mass meeting of crofters and cottars at Kilpheder in South Uist. The local policeman at Lochboisdale made enquiries and discovered that this "mass meeting" was in fact attended by only a dozen people. Similar sources suggest other meetings were exaggerated by the press.³⁴

Prior to their initial decisions no one was sure what form the decisions of the Commission would take. Arthur Balfour, on the strength of reports he had received from the Highlands did not feel that the crofters were over rented. On the other hand, there is no doubt that the Commission was a major part of the Crofters' expectations for justice and that its decisions were keenly watched all over the Highlands.³⁵ One author has gone so far as to argue that it created the belief among crofters that "the millenium had come".³⁶ From the evidence of Ivory's intelligence gathering network it is possible to gauge the differing reactions. In Uist the Commission did appear to have the desired calming influence. In Skye where the agitation had been more intense and the expectations possibly higher, the reaction was more mixed. It was reported that the rent collections conducted following the fixing of fair rents were not an unqualified success.³⁷

One factor which played a part in determining the differing reactions to the Commission was the nature of the hearings in that particular area. The Commission was a highly informal court, neither the crofters nor the proprietor had to be represented by a lawyer. Indeed, on some estates the presence of lawyers was resented by the estate management.³⁸ Part of the reason for the ambiguous reaction to the Commission in Skye was the presence of Alexander MacDonald acting for many of the proprietors. He attempted to show that the arrears were due not to inability to pay, but to the malign influence of agitators.³⁹ This line of reasoning was unhelpful as it did not elicit the information required to fix a fair rent. However, when the Commission reached Caithness they noted that the cases were disposed of much more quickly and without the confrontational attitude which had prevailed in other areas.⁴⁰ This was due to the diverse nature of the agitation. Skye was notable for the high intensity of the agitation throughout the 1880s. The atmosphere of distrust between the estate managements and the crofters of that period carried over into the sittings of the Commission.

It would seem that the reactions of the crofters, difficult to gauge though they are, were ambiguous. The novelty of the Commission engendered high expectations which may have been the source of this ambiguous reaction. Crofters may have expected the Commission to treat groups of cases generally with uniform reductions, rather than the sophisticated case by case approach which they adopted.⁴¹

Proprietors reacted to the the Commission largely with equanimity, extreme reactions were very much the exception although they did exist. More often landowners complained of details of the Commission's procedure, for example its tendency to leave areas unfinished, and the complications this caused for rent collections. The factor for Lady Matheson, communicated in 1891, in some detail, how the districts of Lewis not yet dealt with by the Commission had yet to pay and that this was unjust to both the proprietor, and the Crofters who had had their rents fixed in 1888 and had been paying regularly since then. Generally, proprietors did not question the legitimacy of the Commission.⁴² They did not plague the Commission with appeals, as their Irish counterparts did with the Land Court set up under the Irish Land Act of 1881.⁴³

It is interesting to note that factors reacted much more strongly against the Commission. George Malcolm, factor on the Ellice Estates around Invergarry, and Secretary of The Highland Property Association, was forthright in his opinions, condemning the Commission as "autocratic". William Gunn, factor on the Cromartie Estates in Ross-Shire, complained, in a lengthy diatribe to the Commission, that the reductions in the Coigach area of the Estate were "excessive to a degree".⁴⁴ One possible explanation for this hostility was that factors had a more intimate knowledge of the circumstances of each individual tenant, and were more aware of the inevitable dishonest or unscrupulous tenant being dealt with favourably by the Commission. Secondly, factors may have seen their own role on the estate being usurped. Previously, it would have been they who would have picked out deserving cases for rent reductions. After 1886 the Commission was playing that role.

IV

A frequent accusation made against the Commission was that its decisions were arbitrary. Certainly, in their fair rent decisions the Commissioners did not append any reasoning to their final order. The number of cases precluded such detailed explanations. Both contemporary writing and those involved in estate management who had been involved in cases before the Commission made this point. One argued that "it merely follows its own will regardless of all fixed law".⁴⁵ Brand did not wish to see the establishment of fixed rules for dealing with the cancellation of arrears because cases tended to "vary greatly in their particular circumstances".⁴⁶ In December 1886, Brand issued a statement on the sixth section of the Act, which governed the fixing of fair rents. He intimated that the Commissioners would take a case by case approach and fix a rent which was fair for the holding at that particular time, rather than fair in terms of the wealth of the tenant or the proprietor. However, the task of coming to an accurate valuation of crofters' improvements, on which no rent was liable, was far from easy, as crofters had a tendency to exaggerate their value.⁴⁷ One factor which did play a part in the Commission's findings with regard to fair rent was the current value of stock. Many crofters claimed that the difficulty they had in paying rent stemmed from their inability to realise the value of their

stock at market. However, there was a danger in this method, a fair rent fixed by the Commission was set for seven years. Critics were not slow to point out that with fluctuations in prices, fair rents could quickly cease to become fair. This argument was also used to counter the claim, often made by crofters that reductions were demonstrative of rack renting.⁴⁸

Nevertheless, there was general satisfaction with the fair rents in the longer term. After seven years had elapsed crofters could apply to the commission to have the rent revised. It is interesting to note the small numbers of crofters who made use of this facility. In the first year of septennial revisions, 1894-5, there were only 333 applications out of a possible several thousand.⁴⁹ With improvements in stock prices and the ongoing benefit of the initial rents and arrears decisions of the Commission, the rent issue became less important as time passed. The agitation had not ceased with the advent of the Commission but it had acquired a different character.

Despite the accusations of inconsistency and the basing of decisions on transient criteria, like stock prices, there appears to be a measure of consistency about the fair rent decisions of the Commissioners. Over the years 1886-7 to 1892-3, when very large numbers of fair rent decisions were issued, the averages are quite constant. The lower figures for 1890-1 and 1892-3 can be explained by large numbers of cases in Sutherland where reductions were small. But this is consistent in itself because the reductions in Sutherland were consistently the lowest.

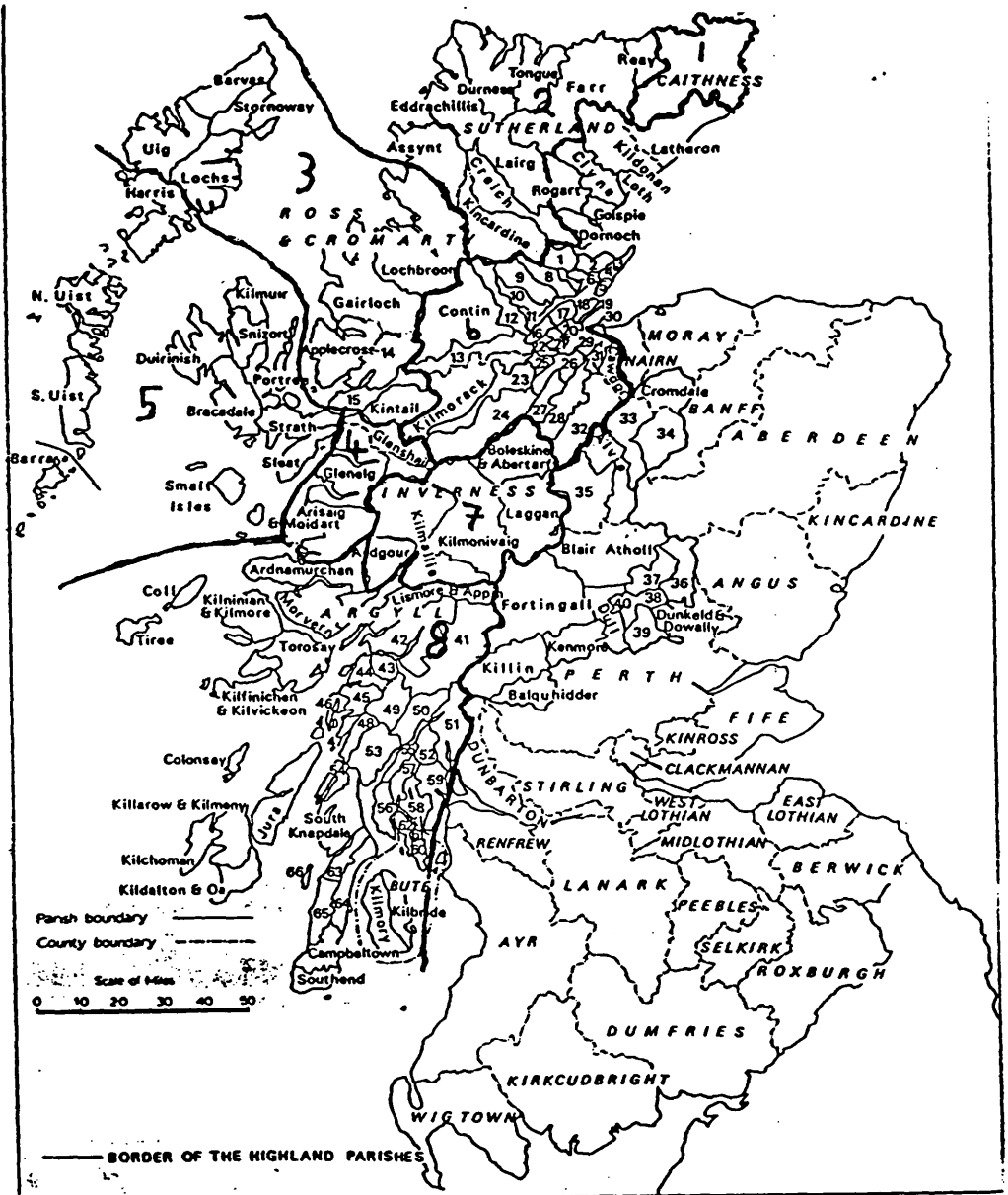
Year	No of Holdings	% Reduction
1886-87	1767	30.8
1887-88	2185	29.5
1888-89	3425	29.1
1889-90	1963	30.8
1890-91	2339	24.3
1891-92	1477	30.0
1892-93	1012	21.9

TABLE 2:1 Average Rent Reductions, 1886 to 1892.⁵⁰

A second argument used to counter the idea that the reductions were a uniquely just response to crofter demands was to note that farming rents were also being reduced by proprietors.⁵¹ Certainly, on some estates difficulty was being found in the letting of large sheep farms. This either led to a reduction in the sheep farming area of an estate, usually with deer taking over, or to proprietors making voluntary abatements in rent to large tenant farmers.⁵² This fact was held to prove that the crofter's cause was not unique, and that they were suffering in a "common cause".⁵³ It is interesting to note in this regard that the farmers of Wester Ross advocated the setting up of an independent tribunal, similar to the Crofter's Commission to fix fair rents for farmers.⁵⁴

A final factor should be borne in mind before considering in detail the decisions of the Commission. When it announced a percentage reduction in rent, the old rent which they quoted had itself often been subject to reduction through the voluntary actions of proprietors. It can be established that this happened on the Lochalsh Estates of Sir Kenneth Matheson and on the Cromartie Estate. Small leaseholders in Glenurquhart, on the estate of the Countess of Seafield benefited from a revaluation carried out by her factor. The exercise was based on the current decisions of the Commission.⁵⁵

A more comprehensive appraisal of the overall impact of the Commission can be gleaned from its Annual Reports. These provide a record of every fair rent and septennial revision case which they adjudicated on, giving the old rent, the fair rent, the decrease, the percentage reduction, the amount of arrears, the amount to be paid, the amount cancelled, and the percentage cancelled. These are aggregated according to townships, then according to estates and finally according to county. The first two aggregations are useful in providing local detail but do not give a general picture, the county figures are problematic as the counties themselves contained areas with little in common; for example Ross-shire stretched from the fertile farming area of the Black Isle and Easter Ross peninsulas to the overcrowded, marginal land of Lewis; Inverness-shire contained similar diversity. Therefore, it is instructive to rework the fair rent figures slightly. To this end the seven crofting counties can be usefully divided into 10 areas. A number of the counties have sufficient homogeneity to be treated as a unit, thus, Argyll, Caithness, Orkney and Shetland; the other areas either cross county boundaries or are contained within them, the western Highlands, the eastern Highlands fall into the former category and the Inverness - shire islands, namely Skye, Harris, and the Uists, West Ross and Lewis, North Sutherland and the Central Highlands are the examples of the latter.⁵⁶



Area

- 1 Caithness
- 2 N. Sutherland
- 3 W. Ross & Lewis
- 4 W. Highlands
- 5 Inv'shire Islands
- 6 E. Highlands
- 7 C. Highlands
- 8 Argyll

Area	Holdings	% Reduction	% Cancellation
Caithness	995	32.7	55.8
N. Sutherland	1210	8.1	33.3
W. Ross & Lewis	3935	29.8	72.0
W. Highlands	1336	21.1	40.8
Inv'shire Islands	3411	30.6	71.2
E. Highlands	1465	19.4	49.7
C. Highlands	91	21.6	69.2
Argyll	440	31.7	62.8

TABLE 2:2 Fair Rents and Arrears Decisions, 1886 to 1895.

These figures confirm a number of important points. The Hebrides show the highest reductions of rent and the highest cancellation of arrears. These areas also had not only the highest percentage reductions but also the highest actual reductions as well, Lewis being particularly notable in this regard with over £30,000 of arrears cancelled. Caithness had a high reduction in rent but a comparatively small cancellation of arrears. It was noted at the time of the Commission's first visit to Caithness, in late 1887, that the arrears were of recent origin.⁵⁷ Averages can conceal the truth though, the figures for most of the Caithness estates were low but the estate of Clyth contributed a large number of holdings and had high figures in both columns. The incidence of rack renting existed in a few localised areas. As well as Clyth, the estate of Kilmuir in North Skye and Iona and the Ross of Mull in Argyll.⁵⁸ The fact that the latter two examples contributed a high number of cases pushes up the level of rent reduction in their respective regions. Even within these more meaningful divisions great diversity existed. In Wester Ross there were estates with high figures in both columns, such as Lochcarron, and estates with equally low counts, such as Gairloch. The low reductions on the latter estate disconcerted the Crofter's movement who had always claimed that it was "rack rented". They resorted to allegations of collusion between Sir Kenneth MacKenzie and the Commission.⁵⁹

The general conclusion which can be drawn from this table is to back up Brand's initial rejection of a universal system of principles to govern fair rent decisions. The most important boundary in these decisions is that between estates. Further, the Commission clearly realised that it would be worthless reducing rents if arrears were not cancelled. A heavy burden of arrears would nullify the benefit of a fair rent. Thus, even in areas where the rent reductions were low, like Lochaber, the proportion of arrears cancelled was high.

The decline in the workload of the Commission and the fact that the rents and arrears problems were no longer so pressing after the mid 1890s is demonstrated in table 1:3. The column to note here is the number of holdings that were dealt with, very few compared to the early years of the Commission.

Area	Holdings	% Reduction	% Cancellation.
Caithness	22	14.2	68.7
N.Sutherland	0	0	0
W.Ross & Lewis	21	10.3	60.6
W.Highlands	14	188.2	40.8
Inv'shire Islands	108	17.5	31.1
E.Highlands	57	15.1	51.8
Argyll	27	12.3	42.0
C.Highlands	12	21.6	69.2

TABLE 2:3 Fair Rent and Arrears Decisions, 1896 to 1912.

V

Although the fixing of fair rents and adjudication of arrears was the largest task facing the Commission, it did have other functions. The Act provided the Commission with powers to grant enlargements of crofts or common pasture. These provisions were widely condemned as inadequate. The fact that there were no powers to create entirely new crofts was often lamented.⁶⁰ The realisation that the enlargement clauses were ineffective quickly became apparent. In 1888 the Commission issued a report on the matter. By then no enlargements had yet been formed. It was concluded that the major difficulty was section 13 of the act. It laid down conditions governing the scope of available land. They included the following; it had to be contiguous to the holding in question, not under lease at the time of the

application, not likely to cause material damage to a farm or deer forest, harm the amenity value of a residence or steading, or take land from a farm rented at less than £100. The Commissioners pointed out that there was "no adequate means of enlarging holdings" within the scope of the act. A second difficulty was the poverty and agricultural ineptitude of crofters. This caused problems under section 12(2) which required applicants to satisfy the Commissioners that they could pay as fair rent for the lands requested and be able to stock and cultivate them properly.⁶¹

It is noticeable that despite the rhetoric on the iniquitous nature of deer forests, only 20 applications were received to take land from a deer forest. This was a point used by the government to blunt the arguments of those who complained of them.⁶² This suggests that modern authors who have written of "social conflict" between crofters and proprietors over deer forests, and crofters' "bitter opposition" to afforestation, may be uncritically accepting contemporary rhetoric on this issue.⁶³ The crofters' movement attempted to draw attention to the issue of afforestation. As well as rhetoric, dramatic stage managed demonstrations, such as the Park Deer Forest raid in 1887 were employed to this end. Of all applications for enlargements, 67 per cent came before 1897 and the bulk of these by 1892. Crofter interest in this facility declined when it became evident that little could be gained from it.⁶⁴

As argued above, the role of the Commission in its early years was highly politicised and it was a central component of the governments' Highland policy. A number of authors have made the point that immediately after the passing of the Act in 1886 major instances of disorder occurred.⁶⁵ The government despatched a military force to Tiree when it became clear that the police were unable to handle the situation on the island following a land raid. A military expedition was sent to Skye in late 1886 when a collapse of local government threatened due to arrears of rates. Deforcements occurred when steps were taken to recover arrears from crofters. 1887 also saw land raids in Assynt and Lewis and the use of the military in an attempt to deal with them. In all these cases the disorder preceded the visit of the Commission to the area in question. As noted above the disorder was a major reason for the nature of the Commission's movements. Further, the post 1886 agitation was focused not on rent but on "more land" for crofters. The Commission was not best equipped to deal with the latter. While the Commission played an important role in the quelling of the agitation, other factors were relevant. Post 1886, disorder was not perceived

favourably by public opinion. The grievances of the crofters were generally felt to have been settled in 1886. Thus, it was much easier, politically, for the government to deal with disorder. Nevertheless, the Commission had a positive effect on the state of law and order in the Highlands. The position in 1912 was a considerable improvement on that of 1886 when the "Queens writ did not run".⁶⁶

The high profile work of the Commission was not sustained as time passed. As conditions in the Highlands changed the role of the Commission changed accordingly.⁶⁷ The first point to note is that the workload of the Commission began to drop off in the early to mid 1890s. Applications to fix fair rents formed the bulk of the work of the Commission. In 1886-7 the Commission received 8906 applications for the fixing of fair rent, 1767 of which were disposed of. The number of applications received dropped off considerably after 1891, and around this date the Commission had reduced the large backlog of cases to more manageable proportions.⁶⁸ The applications for septennial revisions did not fill the gap in the work of the Commission left by the decline of new applications for fair rent.

It was this situation which led some to suggest that the Commission no longer had a role to play and that its functions could be transferred to the Sheriff Courts. This idea was resented by those involved in the Crofters cause. They argued that the Commission should be sustained because it held the trust of the Crofters and because it was both more efficient, as it was composed of specialists, and cheaper than the Sheriff Court. The Commission was also adapted to the needs of crofters in a way that the Sheriff Court was not. When a hearing was required the Commission went to the area and the evidence could be heard in Gaelic. All these factors helped to establish the credibility of the Commission in the eyes of the crofters. One problem with the Commission was that it had no powers of enforcement. It had to rely on the powers of the Sheriffs of the relevant counties to enforce the decisions. The Highland Land League advocated strengthening the Commission in this particular, and giving it responsibility for all questions related to crofting.⁶⁹

Nevertheless, the Commission at this time was a body in search of a role. Successive governments used it in a consultative role. Sheriff Brand was the Chairman of the Royal Commission (Highlands and Islands) from 1892 to 1895. The Commission was employed by the government in the early 1900s to write factual reports on the Social condition of Lewis, in 1902, and Uist, in 1904. Brand was also an ex officio member of the Congested Districts Board from its creation in 1897. The Commission carried out much liaison work with the Board in connection with the organisation of

the estates which the Board had purchased. In particular they spent much time, in 1904 and 1905, dealing with the estates of Glendale and Kilmuir in Skye. The Commission had a great deal of expertise to be tapped after nearly twenty years experience of administration of the Act. The Congested Districts Board was largely composed of ex officio members, and apart from its Secretary, had only one full time employee, a factor, who had to divide his time between all the properties of the Board.⁷⁰

Another important role for the Commission in the 1890s was the administration of the Crofters Common Grazings Regulation Act of 1892. This was a permissive measure which empowered the Commission, in conjunction with crofters, to draw up rules for the effective stewardship of Common Grazings. An amending Act was passed in 1908 which gave the Commission power to fine those who broke the rules. In 1910 an officer was appointed to aid the Commission in the administration of this legislation.⁷¹ The problem of overstocking and poor agricultural practice had been one of the central concerns of the Commission. In their first report the Commission noted the harmful effects of continuous cropping. During their early sittings the Commissioners attempted to impress upon crofters the self defeating effects of overstocking.⁷² This was a problem for estate managements as well, and one which they found difficult to deal with prior to the 1891 Act.⁷³ However, this was a persistent problem. In their final report the Commissioners refer to the mismanagement of common grazings as "the greatest source of trouble in the Crofting area".⁷⁴ The Commission was well aware that this was a problem for proprietors as well. Certainly, crofting agriculture was not of the highest standard, but estate managements had a role to play here as well. Most estates would have regulations governing soumings, drainage and other technical points, which it was up to them to enforce.⁷⁵ This issue is one of the constants of Highland history, referred to by writers on more recent periods, but largely ignored by historians, many of whom have been concerned to establish the virtue of the crofter in all his actions.⁷⁶

Despite this important liason and technical work, when William Hosack retired in 1902, the Government felt, and Brand agreed, that the workload of the Commission was not sufficient to occupy the time of the Chairman and two full time Commissioners. Therefore, Hosack's replacement was appointed on a reduced salary of £600.⁷⁷

So far it can be argued that there had been two phases to the work of the Commission. A highly politicised phase from 1886 to around 1894, followed by a technical and consultative phase from 1895 to 1906. There was, however, a third phase of the Commission, from 1906 to its eventual abolition in 1912. In this period the Commission was essentially living on borrowed time. Its abolition had been advocated in 1906 and would have been carried out then had it not been for the external political circumstances which delayed land reform until 1911. The Liberal Government was aware from the outset of the need to reform both the Crofters Commission and the Congested Districts Board. From 1905 the Commission was effectively paralysed due to Brand's ill health; this particularly affected appeals to the Commission which had to be heard before all three Commissioners.⁷⁸ By the time of Brand's death in 1907 the situation which had pertained in 1902, when Hosack retired, was amplified. As the work of the Commission had decreased even further since 1902, it was proposed that instead of appointing a new Chairman, the senior Commissioner would be elevated to the position of Chairman, at a salary of £1000, and another Commissioner would be appointed, again without the prohibition on private business, at a salary of £600. The Chairman's position could be terminated at any time after six months notice and that alteration of duties would not constitute a claim for compensation or additional remuneration.⁷⁹

It can be seen then that as a component of public policy the Commission's role changed over time as conditions in the Highlands, and the political priorities of governments were altered. There was no real opportunity for the Commission to carve out a new role for itself. It had no real independence, the Secretary for Scotland could decide its movements or ask it carry out tasks which were not specifically allotted to it in the Act. In the context of internal governmental politics the Commission had lost influence by the early 1900s, as the importance of its task declined. It has been noted how appointments in this period were made at a lower level than when the Commission was in its prime. Further, Brand made numerous, but ultimately unsuccessful attempts to persuade the Treasury to grant William Hosack a civil service pension.⁸⁰

V

Studies of rural Scotland in the late 19th and early 20th centuries have noted the decline in the power of the landowner.⁸¹ It can be argued that the Crofters' Commission was significant in this declining power, it ended the free market in rents and had a decided effect on estate management in the Highlands. It was the central component of what Day has called the first, of three, phases of public policy in the 1886 - 1919 period, and which was concerned primarily with the welfare of existing tenants.⁸² Many argued that its existence was a disincentive to proprietors to commit expenditure on behalf of their crofting tenants.⁸³ The setting of a fair rent altered the relations between the landlord and his tenant. Prior to the adjudication the proprietor may have allowed a certain leniency in the rent collection if he believed the crofters to be poverty stricken. However, once the crofter has applied to the Commission and the fair rent has been fixed the relationship is put on a different footing, a third party has intervened and given official sanction to the rent, and the obligation on the crofter to pay is heavier.⁸⁴

The Commission's effect on landlords was, in their own words, to reduce his interest in the holding "to that of receiving the rent and preventing the illegitimate or deteriorating use of the holding in question", and the effect of the Act was to "displace the estate management" on the issue of grazing rights.⁸⁵ Nevertheless, security of tenure brought benefits to the proprietor as well, the Commission did much to quell the agitation which had troubled landowners throughout the 1880s. Rents were more secure after the Act and the work of the Commission than before. Further, the obligation of the Crofter to pay his rent and keep his holding in a good state of repair was enshrined in the Act and could be enforced by the Commission.⁸⁶

It is the contention of this examination of the role of the Crofter's Commission as a component of public policy, that despite the continuity of the legislation governing it, its role changed with changes in government and changing conditions in the Highlands. When the Highlands were in an unsettled state in the late 1880s and early 1890s the Commission had a policing role to play, and its work had a high profile within government policy. Indeed, in the mid to late 1880s Scottish affairs in general, and the Highlands in particular were high on the government's agenda. This is demonstrated by the creation of the Scottish Office in 1885 and Arthur Balfour's promotion to the cabinet in 1886, the first Scottish Secretary to achieve such prominence. However, as time passed and priorities changed the role of the Commission changed. The failure of the 1892 to 1895 Liberal administration to carry

any substantive land reform measures saw the nature of the debate change. The principal role of the Crofter's Commission had been to administer the 1886 regime, but by the 1890s this was coming under attack. From 1892 to 1912 the Crofters' Commission continued its work as the debate on Highland policy proceeded. The 1890s and early 1900s saw the Conservatives attempt, unsuccessfully, to interest the crofting community in the idea of purchasing their holdings. The Commission was conscripted to help in this task in cooperation with the Congested Districts Board, created to carry out this policy in 1897. From 1906 the Liberals reacted against this. They returned to power determined to develop and extend the tenure they had initiated in 1886. The reasons for this were multifarious, and not always strictly relevant to conditions in the crofting counties.⁸⁷ This was the political context in which the Commission, its crisis management role completed, moved into a more technical and consultative phase. In this period it was consciously downgraded by the government, and ultimately absorbed in 1912. It is not strictly correct to say that it was abolished, as its judicial role was continued, and indeed, extended, both geographically and administratively, by the Scottish Land Court from 1912. The Commissioners felt that the biggest change they had seen in the Highlands was the improvement in housing consequent upon security of tenure. Their biggest regret was their inability to deal with the related problems of the cottars and subdivision, especially in Lewis, where these problems were particularly pressing.⁸⁸

The Crofter's Commission had been a bold and innovative experiment in public policy, it and the 1886 Act in general had been a response to an emergency.⁸⁹ Nevertheless, its conduct during the emergency was sufficiently balanced to acquire and retain the trust of crofters, a notable achievement in an era when the "crofting community" viewed the machinery of government with some distrust. The positive perception of the Commission helped to secure the legitimacy of the 1886 regime in the Highlands.⁹⁰ The simplest final point to make is to note the immense amount of work undertaken by the Commission, bearing in mind both the pressures it was under in the late 1880s, and more generally the difficulties of travel in the late 19th century Highlands.

1. SRO, Department of Agriculture and Fisheries, Crofting Files, AF 67/2, Draft letter from the Scottish Office to the Treasury, 17th May 1886; Treasury to the Scottish Office, 31st May 1886; Directions for letters to the Commissioners, 16th June 1886.

2. *Scots Law Times*, 6th July 1907; *Times*, 23rd January 1908; *Ayrshire Post*, 24th January 1908; *Ayr Advertiser*; 30th January 1908; *Northern Chronicle*, 14th July 1886.

3. BL Add MS, 44497, WEGP, Earl of Dalhousie (Secretary for Scotland) to WEG, 6th June 1886.

4. SRO, Crofting Files, AF 67/3, Davidson and Syme to A.J.B[alfour], 8th September 1886; Tods, Murray and Jamieson, to Scottish Office, 11th October 1886.

5. SRO, Crofting Files, AF 67/3, Crofters Commission to A.J.Balfour, 10th October 1886; A.J.Balfour to Sir Francis Sandford, 7th October 1886; BL, Add MS, 49871/1, ff 251, AJBP, AJB to Sandford, 29th October 1886; W.P.L. Thomson, *The Little General and the Rousay Crofters: Crisis on an Orkney Crofting Estate*, (Edinburgh, 1982), Chapter 13.

6. *Scotsman*, 9th October 1886.

7. SRO, Crofting Files, AF 67/4, Brand to AJB, 13th October 1886; *Scottish Highlander*, 12th March 1891.

8. I.M.M. MacPhail, *The Crofters' War*, (Stornoway, 1989), 175.

9. SRO, Crofting Files, AF 67/4, MacLachlan & Reid (Portree Solicitors) to AJB, 14th January 1887; AJB to Brand, 10th November 1886; SRO, Home & Health Department, Miscellaneous Files, HH 1/190, Ivory to AJB, 21st January 1887; SRO, Ivory Papers, GD 1/36/1/48/26, Confidential Memo by AJB to Alexander MacDonald, 26th January 1887; *Royal Commission on Land in Wales and Monmouthshire*, P[arliamentary] P[apers], 1896 XXXV, Evidence of David Brand, Q 77104.

10. S. Moncrieff Penney, "The Highlands and Islands Under Commissioners", *Juridical Review*, 13, (1901), 427; R.MacLeod, "The Crofters' Commission", *Blackwoods Magazine*, 146, (1889), 518.

11. J.Hunter, *The Making of the Crofting Community*, (Edinburgh, 1976), 168.

12. SRO, Crofting Files, AF 67/6, John Campbell Orde to Skene Edwards and Bilton, 20th June 1887; SRO, Home &

Health Miscellaneous Files, HH 1/200, Alexander MacDonald to AJB, 31st January 1887.

13. SRO, Lothian Muniments, GD 40/16/18/33, The Chamberlain, Stornoway to Lady Matheson, 20th August 1888; GD 40/16/18/31, Letter on behalf of Lady Matheson to Lothian, 1st September 1888; SRO, Cromartie Muniments, GD 305/2/1895, William Gunn to William MacKenzie, 28th October 1889; SRO, Crofting Files, AF 67/9, William MacKenzie to Cochran Patrick, 1st May 1888; AF 67/10, MacLeod of MacLeod to William Mackenzie, 21st August 1888; Dunvegan Castle MSS, 2/730, J.T.MacKenzie (on behalf of MacLeod of MacLeod) to William MacKenzie, 24th April 1890; 2/731, same to same, 10th March 1892.

14. SRO, Crofting Files, AF 67/10, D.C.MacDonald to Lothian, 3rd July 1887; AF 67/7, same to same, 3rd August 1887; Skene, Edwards and Bilton, to the Scottish Office, 8th August 1887; PD, 3S, Volume 319, 1700, G.B.Clark, 24th August 1887; *Glasgow Herald*, 19th July 1887.

15. SRO, Cromartie Muniments, GD 305/2/1004, Alexander Ross to William Gunn, 10th April 1887; SRO, Crofting Files, AF 67/14, Minute of Meeting of Coll Crofters, 1st December 1890; AF 67/5, Brand to Sandford, 30th May 1887.

16. SRO, Crofting Files, AF 67/6, Duke of Argyll to Lothian, 23rd June 1887; SRO, Home and Health Department, Scottish Office Correspondence, HH 28/5/2/144, Cochran Patrick to Skene, Edwards and Bilton, 13th April 1889; Inveraray Castle MSS, Bundle 1595, Duke of Argyll to Factor, 10th May 1887; same to same, 14th May 1887; same to same, 24th June 1887. I am grateful to Mr Alasdair Campbell of Airds for his help with the Inveraray Castle MSS.

17. SRO, Crofting Files, AF 67/8, Memorial of the Landed Proprietors of Skye, November 1887; AF 67/9, Letters from John Robertson, Greshornish, 19th April 1888; Lord MacDonald, 4th May 1888; William MacPherson (Co-Trustee of the Glendale Estate), 30th July 1887; AF 67/10, Alexander MacDonald to Lothian, 23rd October 1888; HRA, Kilmuir Estate Papers, AG INV 10/32, Fraser to MacDonald, 29th November 1886.

18. SRO, Crofting Files, AF 67/8, William MacKenzie to Sandford, 27th September 1887.

19. SRO, Crofting Files, AF 67/9, William MacKenzie to Cochran Patrick, 21st May 1888; *Crofters' Commission, Annual Report, 1886-7*, xi.

20. HRA, Skaebost Estate Papers, AG INV 11/5, Lachlan MacDonald of Skaebost to Alexander MacDonald, 25th July 1887.

21. *Crofters' Commission, Annual Report, 1893-4*, 6-7; SRO, Cromartie Muniments, GD 305/2/1891/310, William Gunn to R.M.Brereton (Sutherland Estate Commissioner), 27th April 1888; see *Glasgow Herald*, March and April 1887 for Reports of the proceedings of the Commission in Skye.

22. SRO, Home and Health, Miscellaneous Files, HH 1/241, Sheriff Liddell (Portree) to Ivory, 15th July 1887; Police Report, Staffin, Skye, 4th June 1887.

23. BL Add MS 49800, ff 161, AJBP, Ivory to Balfour 31st October 1886; ff 164, Balfour to Ivory, 2nd November 1886; Court of Session Cases, 4th Series, 14, 181-90; *Scotsman*, 8th December 1886.

24. SRO, Crofting Files, AF 67/5, Resolution of Caithness Farmers, Crofters, Farm Servants and Labourers, Thurso, 16th March 1887; SRO, Lothian Muniments, GD 40/16/8/75, Cabinet Memo with Reference to the amendment of the Crofters' Holdings (Scotland) Act,

25. SRO, Lothian Muniments, GD 40/16/8/46, Brand to Sandford, 14th April 1887; GD 40/16/8/56, George Sutherland (Solicitor, Wick) to William MacKenzie, 19th April 1887.

26. SRO, Lothian Muniments, GD 40/16/8/62, Cabinet Paper by AJB, 11th February 1887.

27. Hunter, *Crofting Community*, 67.

28. SRO, Lothian Muniments, GD 40/16/8/66, memo by Secretary for Scotland on "Double Object" behind bill to amend Crofters' Act; GD 40/16/8/58, Brand to Sandford, 3rd May 1887.

29. Hunter, *Crofting Community*, 70.

30. *Crofters' Commission, Annual Reports, 1886-7, 105; 1887-8, 179.*

31. SRO, Lothian Muniments, GD 40/16/58/4, Lothian to Argyll, 29th November 1888; GD 40/16/55/36, Crofter Commission: Alternative Scheme (undated handwritten note); GD 40/16/24/13, Brand to W.C.Blackburn (Scottish Office Official), 28th November 1888.

32. SRO, Department of Agriculture and Fisheries, Miscellaneous Files, AF 43/6/1, Memo to Captain Sinclair MP, on Crofters' Act, by David Brand, 25th August 1903; SRO, Lothian Muniments, GD 40/16/58/4, Lothian to Argyll, 29th November 1888; BL Add MS 49801, ff 48, AJBP, AJB to Brand 26th January 1887.

33. *Scottish Highlander*, 5th August 1886, 19th August 1886, 26th May 1887; *Oban Times*, 8th January 1887, 9th April 1887, 28th May 1887; SRO, Crofting Files, AF 67/7, William MacKenzie to Sandford, 27th September 1887.

34. SRO, Home and Health, Miscellaneous Files, HH 1/245, Police Report, Lochboisdale, South Uist, 23rd July 1887; HH 1/253, Sheriff Hamilton, Portree, to Ivory, 15th September 1887.

35. BL Add MS, 49871/1, ff 254, AJBP, Balfour to Dunbar (Scottish Office Official), 29th October 1886; ff 262, Balfour to Sandford, 1st November 1886; SRO, Crofting Files AF 67/401, Confidential Reports to the Secretary for Scotland on the State of the West Highlands and Islands, by Malcolm MacNeill; SRO, Home & Health, Miscellaneous Files, HH 1/180, Police Report, Staffin, Skye, 11th January 1887.

36. F. Gillanders, "The West Highland Economy", *TGSI*, 43, (1960-63), 257.

37. SRO, Home & Health, Miscellaneous Files, HH 1/260, Sheriff Webster, Lochmaddy, North Uist, to Ivory, 3rd November 1887; HH 1/246, Ivory to Scottish Office, 17th August 1887.

38. *Royal Commission on Land in Wales and Monmouthshire*, Evidence of Donald Macrae, Q 75983; SRO, Cromartie Muniments, GD 305/2/566, Alexander Ross to William Matheson, 21st January 1889.

39. Especially with regard to Valtos on the Kilmuir Estate, *Glasgow Herald*, 29th March 1887; but also more generally, see, HRA, Kilmuir Estate Papers, AG INV 10/7, Remarks by Alexander MacDonald to the Crofters Commission; 10/32, Colonel Fraser to Alexander MacDonald, 16th March 1887; 10/32, same to same, 29th March 1887

40. *Glasgow Herald*, 9th December 1887.

41. SRO, Home & Health, Miscellaneous Files, HH 1/237, Inspector MacDonald, Portree to Sheriff Skene, Portree, 2nd June 1887.

42. *Departmental Committee appointed by the Board of Agriculture and Fisheries to inquire into and report upon the subject of Small Holdings in Great Britain*, PP 1906, LV, Q 4541, William MacKenzie; SRO, Crofting Files, Memo of Shetland Landowners, 28th November 1889; see letters to the Scottish Office from the following; AF 67/8, John Campbell Orde, 3rd February 1888; AF 67/9, John Robertson, Greshornish, 19th April 1888; Lord MacDonald, 4th May 1888; MacLeod of MacLeod, 17th May 1888; AF 67/15, Skene, Edwards and Bilton, on behalf of Lady Gordon Cathcart, 17th July 1891; L.Lyell, MP for Orkney and Shetland, 4th November 1891; Lewis Factor, on behalf of Lady Matheson, 3rd February 1891; *Scotsman*, 1st December 1888, Letter from William Burroughs of Rousay.

43. SRO, Agriculture and Fisheries, Miscellaneous Files, AF 43/6/13, Memo on Dual Ownership; K.Buckley, "The Records of the Irish Land Commission as a source of historical evidence", *Irish Historical Studies*, 8, (1952-3), 31-2.

44. *Royal Commission on Land in Wales and Monmouthshire*, Q 78041, George Malcolm; SRO, Cromartie Muniments, GD 305/2/1898/549, William Gunn to Peter MacIntyre, December 1890.

45. MacLeod, "Crofters Commission", *Blackwoods Magazine*, 146, (1889), 523; SRO, MacKintosh Muniments, GD 176/2488, The MacKintosh to Allan MacDonald, 26th April 1894; Dunvegan Castle MSS, 4/1390/1, MacLeod of MacLeod to William MacKenzie, 4th July 1889; 4/1390/2, MacLeod of MacLeod to Lothian, 6th July 1889.

46. SRO, Lothian Muniments, GD 40/16/8/58, Brand to Sandford, 3rd May 1887.

47. *Royal Commission on Land in Wales and Monmouthshire*, Q 78709, Duke of Argyll; *Glasgow Herald*, 21st December 1886; SRO, Cromartie Muniments, GD 305/2/1892/487, Alexander Ross to Willam Gunn, 31st March 1887; HRA, Kilmuir Estate Papers, AG INV 10/32, Fraser to MacDonald, 14th February 1887.

48. *Scotsman*, 4th January 1887, 1st July 1887.

49. *Crofters' Commission, Annual Report, 1894-5*, 37.

50. Figures calculated from, *Crofters' Commission, Annual Reports, 1886 - 1893*.

51. *Glasgow Herald*, 8th June 1887; *Scotsman*, 4th January 1887.

52. E.Richards & M.Clough, *Cromartie: Highland Life, 1650 to 1914*, (Aberdeen, 1989), 305; J.Hunter, "Sheep and Deer: Highland Sheep Farming, 1850 -1900", *NS*, 1, (1973), 89; P. Gaskell, *Morvern Transformed*, (Cambridge, 1968) 109; SRO, MacKintosh Muniments, GD 176/2674/46, The MacKintosh to Allan MacDonald, 10th January 1889.

53. *Glasgow Herald*, 8th June 1887.

54. *Scottish Highlander*, 10th May 1888.

55. SRO, Crofting Files, AF 67/15, Sir H.G. MacAndrew to brand, with an extract from the Lochalsh rental showing abatements; SRO, Cromartie Muniments, GD 305/2/1889/417, William Gunn to the Duchess of Sutherland, December 1886; *Royal Commission (Highlands and Islands) 1892*, PP 1895 XXXVIII, Q 13654, Evidence of William MacKay.

56. Refer to enclosed map for the composition of the areas.

57. *Glasgow Herald*, 9th December 1887.

58. E.M. MacArthur, *Iona: The Living Memory of a Crofting Community, 1750 -1914*, (Edinburgh, 1990), 131.

59. *Scottish Highlander*, 14th June 1888.

60. *Oban Times*, 10th December 1887; SRO, Crofting Files, AF 67/5, Resolution of a Public Meeting of Crofters, Thurso, 16th March 1887; AF 67/8, Petition of the tenants of Airdens, Creich, Sutherland; AF 67/11, Resolution of

Edinburgh Southern Liberal Association, 3rd April 1889; Resolution of Kirkaldy Liberal Association, 18th April 1889; AF 67/12, Resolution of a meeting of the crofters of Lochs, Lewis, 13th May 1889; Statement of the Clyth Branch of the HLLRA, April 1890; AF 67/13, Resolution adopted at a demonstration of Land Law Reformers and Liberals at Wick, 28th August 1890; AF 67/16, Resolution of meeting at Crossbost, Lewis, 9th November 1892; AF 67/17, Resolution of Lewis District Committee, Ross and Cromarty County Council, 15th March 1893; Resolution of Ross and Cromarty Highland Land League, 14th January 1893; AF 67/18, Resolution of Edinburgh HLLRA, 8th February 1894; AF 67/20, Petition of Lewis Crofters, 12th April 1895; Resolution of Caithness HLLRA, 13th May 1895; AF 67/24, Resolution of Meeting of Ferintosh Crofters, 8th March 1905; Resolution of Meeting of Mullbuie Crofters, 1st May 1905; AF 67/25, Petition of Kilmuir Crofters, 17th June 1906.

61. *Report by the Crofters Commission in Regard to Applications for Enlargements of Holdings for the period from 25th June 1886 to 10th December 1887*, PP 1888 LXXX; an MS copy survives in SRO, Crofting Files AF 67/8.

62. PD, 3S, 325, 1059, 1st May 1888, J. H. A. MacDonald, Lord Advocate.

63. W.Orr, *Deer Forests, Crofters and Landlords*, (Edinburgh, 1982) 123; Hunter "Sheep and Deer" NS, 1, (1973), 220.

64. See *Crofters' Commission, Annual Reports, 1886 to 1912*; as well as the high profile work of the Commission, they also dealt with a multitude of minor cases dealing with the finer points of crofting law. These concerned leases, joint tenancies, marches etc. The more important of these cases are detailed in the annual reports.

65. Hunter, *Crofting Community*, 164; I.F.Grigor, *Crofters and the Land Question, 1870 to 1920*, (PhD Thesis, University of Glasgow, 1989); MacPhail, *Crofters' War*, 173.

66. *Crofters' Commission, Annual Report, 1910-1912*, xxvi.

67. D.J.MacCuish, "Ninety Years of Crofting Legislation and Administration", *TGSI*, 50, (1976-78), 300-1.

68. *Crofters Commission, Annual Reports, 1886-7*, 105;

1892-3, 144; 1893-4, 79.

69. *Royal Commission on Land in Wales and Monmouthshire*, Q 27038, Evidence of Sir Colin Scott Moncrieff, Under Secretary for Scotland; Q 78041, Evidence of David Brand; Qs 75921-7, Evidence of Donald MacRae; SRO, Crofting Files, AF 67/9, Speech at Taynuilt by Rev Malcolm MacCallum, February 1894; Inveraray Castle MSS, Bundle 906, George Malcolm to the Duke of Argyll, 19th April 1895.

70. *Report by the Crofters' Commission on the Social Condition of the People of Lewis Compared with 20 Years Ago*, PP 1902 LXXXIII; SRO, Crofting Files, AF 67/19, Report by the Crofters' Commission on the Social Condition of the People of Uist, 1904; *Crofters' Commission, Annual Report, 1903-4*, Appendix K, Report on Glendale for the C[ongested] D[istricts] B[oard]; *Crofters' Commission, Annual Report, 1904-5*, x-xvii, for work in Kilmuir for the CDB.

71. SRO, Crofting Files, AF 67/30, Treasury to Scottish Office, 26th April 1910: Memo as to the duties of the Grazings Officer appointed under the Crofters' Common Grazings Regulation Acts, 1891 & 1908.

72. *Crofters' Commission, Annual Report, 1886-7*, ix; *Glasgow Herald*, 31st March 1887.

73. SRO, Cromartie Muniments, GD 305/2/1005, Alexander Ross to William Gunn, 13th May 1887; HRA, Kilmuir Estate Papers, AG INV 10/7, Alexander MacDonald, Remarks to the Commission.

74. *Crofters Commission, Annual Report, 1910-12*, xxv.

75. SRO, Crofting Files, AF 67/13, Crofters' Commission Memo on Grazing Rights.

76. F.Fraser Darling, *West Highland Survey*, (Oxford, 1955) 310; J.R.Coull, "Melness: a crofting community on the North Coast of Scotland", *Scottish Studies*, 7, (1963).

77. SRO, Crofting Files, AF 67/23, Lord Balfour of Burleigh to Brand, 26th March 1902; Brand to Lord Balfour of Burleigh, 1st April 1902.

78. SRO, Agriculture & Fisheries, Miscellaneous Files, AF 43/6/2, Memo Regarding the Land Agitation in the

Highlands and the Legislation following thereon.

79. SRO, Crofting Files, AF 67/28, Treasury Statement Regarding the Crofters' Commission, 30th January 1908; Treasury to Scottish Office, 27th April 1908.

80. SRO, Agriculture & Fisheries, Miscellaneous Files, AF 43/6/1, Memo, Brand to Sinclair.

81. T.M.Devine & R.H.Campbell, "The Rural Experience" in W.H. Fraser & R.J.Morris (eds), *People and Society in Scotland, Volume II, 1830-1914*, (Edinburgh, 1990), 66.

82. J.P.Day, *Public Administration in the Highlands and Islands*, (London, 1919), 232.

83. *Royal Commission on Land in Wales and Monmouthshire*, Q 78717, Evidence of the Duke of Argyll; *Royal Commission (Highlands and Islands) 1892*, Q 5641, Evidence of MacLeod of MacLeod.

84. Richards & Clough, *Cromartie*, 385; *Scotsman*, 2nd May 1888; *Northern Chronicle*, 5th January 1887.

85. *Crofters' Commission, Annual Report, 1899-1900*, 21; SRO, Crofting Files, AF 67/13, Crofters' Commission Memo on Grazing Rights.

86. Thus it is not strictly true to argue as Devine and Campbell, "Rural Experience", *People and Society*, 149, have, that the 1886 Act did not confer any obligations on crofters.

87. SRO, Agriculture & Fisheries, Miscellaneous Files, AF 43/6/2, Memo on Land Legislation and Administration.

88. *Crofters' Commission, Annual Report, 1910-1912*, xxvi.

89. *Departmental Committee on Small Holdings, 1906*, Q 4541, Evidence of William MacKenzie.

90. I.M.M. MacPhail, "Gunboats to the Hebrides", *TGSI*, 53, (1982-84), 544.

CHAPTER THREE.

Unionists and Liberals, Variations in Highland Policies, 1886 to 1895.

The years 1882 to 1886 have attracted a great deal of attention from historians.¹ They were years of drama and excitement in the Highlands, culminating in the apparent watershed of the Crofters Holdings (Scotland) Act of 1886. However, the years 1886 to 1895 have not been covered in the same depth. In fact, there is a considerable amount of continuity between the two periods. The agitation leading up to the 1886 Act did not immediately cease with its passage. The government's attempts to quell that agitation intensified from mid 1886 to mid 1888. The incidence of the agitation and the response of the government to it will be examined. Further, emigration, as a policy option for easing congestion, which had been a constant theme in government thinking, certainly since the 1850s, reached new heights with a government sponsored colonisation scheme. There were also new departures. Apart from the brief period of Salisbury's unelected caretaker government in late 1885, the country had been governed by the Liberals since 1880. The split in that party in 1886 and the election of that year saw the Conservatives begin a period of administration which would take them down to 1892. This government outlined major policy initiatives for the Highlands which included projections of heavy expenditure on the communications infrastructure. How far the Unionist administration succeeded in carrying out its ambitious plans, and the motivations behind them are highly pertinent issues to be examined. The election of a Liberal government in 1892 saw another change of approach. The technocratic approach of the Unionists gave way to a more ideological concentration on the relationship of the crofters to the land. How much substance this policy contained will be questioned. Finally, some attempt will be made to identify the origins of the policies of land purchase and settlement which came to dominate the next generation of Highland history.

Historians have frequently pointed out that the land agitation in the Highlands did not automatically cease with the passage of the Crofter's Act in 1886. In many ways it would have been odd if it had done so. Perhaps historians have felt the need to make the point because the 1886 Act has appeared to them as a much more significant piece of legislation than it appeared to those involved in the Crofters'

movement. To the latter it was merely the first instalment in the settlement of the crofters' grievances. The course of the agitation following the Act was different from that preceding it. Most noticeably, the geographic focus shifted. In the period 1882 to 1886 Skye had been the centre of the agitation. From 1887 to 1890 Lewis emerged as its successor. The political focus shifted also, this was consequent both on the new geographic focus and the perceived defects of the 1886 Act. The problem in Lewis was not so much concerned with improving the status of the crofter, as with the lack of status of the cottars. This class were more numerous and more concentrated in Lewis than anywhere else in the Highlands. Indeed, the population of Lewis was still increasing in this period when the population of the Highlands as a whole was falling. The failure of the Act to deal with the central demand of the cottars, the provision of more land, could only serve to fuel the agitation in Lewis.²

I

The next section will attempt to give a brief outline of the course of the agitation and will be followed by an analysis of the motives behind it and the government response. Following the Act the first outbreak of lawlessness occurred on the Island of Tiree. A vacant farm, at Greenhill, was raided as a protest at it being leased to a farmer, who had risen from the ranks of the crofters, rather than being divided among the bulk of the crofters. The police proved to be incapable of dealing with the situation and the military had to be called in. The original decision to use military force was taken by a Liberal Government, in July 1886, but by August, when the troops were despatched, the Conservatives had come into office and it was they who attracted the opprobrium of using military force to make a few arrests in Tiree.³

If they had inherited the decision to use the military in the case of Tiree, the Conservative government were quick to prove that they would not hesitate to make the same decision themselves. This was demonstrated in September when faced with the paralysis of local administration in Skye, through non payment of rates, Arthur Balfour, the Secretary for Scotland, despatched a force of marines to the island to back up the civil authorities in their attempts to deal with the problem.⁴ Balfour was keen to make the point that the arrears of the proprietors should be pursued as *energetically* as those of the crofters, this issue was simplified by the rapid settlement of their debts by the proprietors.⁵ Despite the belief of the Prime Minister that things were

"proceeding charmingly" trouble arose on a number of instances during the operation. Deforcements took place at Borneskitaig and Herbusta on the Kilmuir Estate on October 25th, and on the following day at Garalapin near Portree. Those involved at Borneskitaig were sentenced to terms of imprisonment, but the others were treated more leniently.⁶

Further outbreaks of disorder took place in Assynt in western Sutherland. Deforcements of Sheriff Officers took place in April and May 1887, and land raids occurred both in Assynt and in Durness on the north coast. But once again it required the services of a gunboat and a force of marines to arrest those involved. The difficulties in this case were accentuated by the remote location of the disorder.⁷ In December of the same year more military activity was centred on Assynt in an attempt to arrest one of the original deforcers who had taken to the hills in May. The presence of marines in the district was said to have induced the people to adopt a more law abiding attitude.⁸

Despite these incidents the main focus of the agitation in this period was in Lewis. The event which began a period of intense agitation in the Island, lasting from November 1887 to mid 1888, was the raid on the Park Deer Forest. This was a major demonstration by the crofters' movement rather than a spontaneous outburst of defiance against the deer forest system. It was efficiently stage managed by the schoolmaster at Balallan and leading light in the Crofter's Movement, Donald MacRae. Again, this occasioned a military response from the government, but by the time the soldiers arrived the raiders had quietly given themselves up. The raid attracted some lurid press coverage, with reports circulating of rifles imported from Ireland and vast numbers of deer slaughtered. If the official record does cast some doubt on these allegations there can be no doubt that the raid achieved its principal objective, to attract attention to the plight of the cottars who participated in the raid.⁹ Subsequently, the raid has become something of a favourite subject for modern writers, who have, to a greater or lesser degree, absorbed the more sensational aspects of the incident.¹⁰

The importance of the raid in terms of the pattern of the agitation was that, despite the ritual condemnations from all quarters, the raiders were acquitted on a technicality. The majority of the press felt that this would only serve as an encouragement to the agitation.¹¹ This conclusion would seem to be borne out. Crofters in the Point district of Lewis had made it clear as early as December 1887 that they intended to occupy the farms of Galson and Aignish on January 9th 1888.

Indeed, a deputation of crofters marched to the latter farm and informed the tenant of their intentions. The raids duly took place on the appointed day, and considerable trouble occurred at Aignish. The problems for the authorities stemmed not only from these high profile events, but also from a host of more minor incidents. A lengthy spate of nocturnal dyke breaking proved extremely difficult to counter. Sheriff Cheyne in his reports to the Scottish Office continually referred to the high state of activity and organisation of the Land League in Lewis.¹² This state of affairs necessitated the retention of the military force in Lewis. The effect of the agitation was to raise the temperature in other parts of the Highlands. This was particularly noticeable in Skye and the Uists. Though it should be noted that in the latter case there were autonomous factors, in particular a threat by the estate in South Uist, Benbecula, and Barra that they would begin to enforce the prohibition of crofters giving potato patches to cottars. This was spectacularly unpopular and such were its potential consequences that it was very quickly withdrawn. By the middle of the year the authorities in the disturbed districts felt that the worst of the agitation had passed. They put the improvement down to a number of considerations, the departure of most of the young men to the fishing and the improved returns from that industry. The principal reason was held to be the salutary effect of the heavier sentences passed on the Aignish rioters. These were widely held to have cancelled out the deleterious effects of the acquittal of the Park raiders earlier in the year.¹³

The government tended to respond in the short term with military back up for the civil authorities attempting to deal with the disorder. This reflects their desire to stem the tide of lawlessness before they undertook any analysis of its roots. The Government felt that the despatch of military forces to a disturbed area was the best way to induce tranquillity. The police force was not regarded as objective. The perception that they were landlord instruments stemmed from the fact that the crofters did not contribute to the police rates. Indeed, the police constable in Stornoway felt that members of the force were "universally detested". It was noticeable that soldiers were held in higher regard by the crofters, whether this was due to the preponderant force which they represented or respect for the "Queens Uniform" is a matter for speculation. There were, however, limitations to the utility of military force. They were not able to add to the capability to detect criminals, which had to remain a police task. Further, they could only act as back up to the police in the presence of a magistrate, anything else would be tantamount to the declaration of martial law. By the period 1886 to 1888 the government had learned much about the deployment of soldiers in the Highlands. The first major operation involving marines, Skye in late 1884 and early 1885, had been plagued with the

problem of fraternisation which destroyed the effectiveness of the force. To avoid any repetition the practice of billeting the soldiers with the population ceased. It was superseded by accommodating them aboard troopships, or billeting them together in local halls. The principal value of deploying troops was to counteract the impression that the police were inadequate to deal with sustained lawlessness, and to strengthen the law by having an apparently irresistible force behind it. Other more obscure advantages were suggested by Cameron of Lochiel, who pointed to the purchasing power of the soldiers as a boon to local traders, and hoped that the military presence would do its bit to reduce congestion by stimulating recruiting.¹⁴ Military force was only one of a number of responses which was available to the government. It has already been noted in Chapter 2 how the military and the Crofters' Commission were used in tandem in the years immediately following the passage of the Act. They tended to complement each other, the Commission had more subtle capacities than the military option, but could operate efficiently only in areas where the agitation had passed its peak and did not infect the sittings of the Commission to the exclusion of constructive evidence.

The government's response to the agitation was multi faceted. Military force was only one of a variety of options employed, although, as the most visible it has tended to attract the greatest amount of attention from historians. Other facets of the response will now be examined. Their relationship to the agitation and the way in which the government hoped they would prevent lawlessness will also be scrutinized.

As noted above, those behind the Park deer forest raid in 1887 argued that one of their objectives was to provide food for the exceptionally destitute inhabitants of the parish of Lochs, indeed, they justified the killing of the deer in these terms. The government was keen to find out to what extent these allegations were true. In the short term they asked for information from the resident officials with this end in view. The picture which emerged was of a population suffering from acute poverty. Officials were reluctant to use the term "destitute" except to describe the most abject poverty, as it had unpleasant connotations of exceptional relief measures, and the attendant worry of demoralisation of the population concerned. Whilst the harvest of 1887 had not been exceptionally bad, the financial returns from the east coast fishing were almost nil. A further financial penalty was the extremely low stock prices which prevailed in 1887. This was due to a change in the structure of the livestock market with the growing importance of chilled and frozen meat from New Zealand and North and South America.¹⁵ With the development of a higher degree of

consumerism in the Highlands in the second half of the 19th century, this had obvious repercussions for the social condition of the people. The products of the crofts were more commonly used for wintering stock than for human consumption. The conditions were especially bad in the east of the island where the land was less fertile and the holdings smaller. The cottars were likely to be harder hit by these developments as they were highly dependent on the income they could make from fishing and other forms of labour. The problems were not confined to Lewis. The Inspector of Poor in the Parish of Kilmuir in north Skye reported similar circumstances, a reasonable harvest but low returns from the fishing and the sale of stock. The consequences of the agitation tended to exacerbate the problem and make the solution much more difficult. The widespread non payment of rents, whether through a conscious protest, or inability to pay, meant that contributions to the poor relief fund were low. This was an important factor in the situation in Lewis, and one which the estate officials were assiduous in informing the Scottish Office of. As time went on the operation of the Crofter's Commission would help. In 1887 however, the Commission was heavily tied up in Skye and the Uists and did not reach Lewis until the summer of the following year.¹⁶

II

1888 saw the government respond to the situation with two separate initiatives. Their nature demonstrated a preoccupation with the problems of Lewis. As a short term expedient, they awarded the Highlands a subsidy of £30, 000 in relief of rates. A proportion of this money was awarded to the School Boards and the bulk of it was distributed according to population, the highest rated areas being favoured. This, however, was not the only direct subsidy which the Highlands received. The subsidy of 1888 had been paid out of the Probate Duties while in the succeeding three financial years the Highlands received money amounting in total to £48,000 in relief of local taxation under the Local Government (Scotland) Act of 1889. This money was not of any long term benefit to the Highlands but it was vital in tiding over the crisis of the late 1880s and early 1890s. This money was not a contribution from central government to the Highlands. It was a reallocation of revenue raised in Scotland and intended to be spent there.¹⁷

The second immediate government response to the problems encountered in Lewis in this period was to intensify the information gathering operation. For this purpose Malcolm MacNeill of the Board of Supervision, and Sheriff Fraser of Stornoway were commissioned to write a report on the condition of the cottar population in Lewis. These two men had been recommended for this task by Sheriff Cheyne the

Sheriff Principal of the County of Ross and Cromarty. MacNeill had been employed by the government before in the Highlands. He had been Secretary to the Napier Commission, and in the wake of the 1886 Act, he had been despatched on a confidential mission to the Highlands by Arthur Balfour to gather information on prevailing attitudes. For his part, Fraser had been commended on his sensitive handling of the difficult situation in Lewis at the time of the Park raid and the disturbances at Aignish and Galson. Importantly, both men were native Gaelic speakers. The information gathered by the Commission would not only be helpful in substantiating policy options but the very fact of the existence of the Commission would help to convince the people of the island of the sincere nature of the Government's concern for them. As was customary when the government showed any signs of involvement in the Highlands, there were siren voices warning that this Commission would have a demoralising influence and would be regarded as a reward for the agitation and an encouragement to its continuation.¹⁸

MacNeill and Fraser personally visited 108 houses in the parishes of Lochs and Stornoway. The information on the economic and social condition of the people was then submitted to poor relief and estate officials. Their conclusions presented a picture of unrelenting poverty, dire housing conditions and chronic congestion. In this, they laid themselves open to the accusation that they went to the areas where the conditions were worst in order to present as bleak a picture as possible. If, for example, they had visited the Atlantic coast of the island, they would have found different conditions. The soil was more fertile, and the holdings larger than in Lochs which was the most poverty stricken parish in the island. The reasons for this state of affairs were clearly presented. They substantiated the picture the government had acquired from its informal enquiries. The withdrawal of money from the economy of the island, in the shape of the collapse of income from the fishing industry and stock prices hitting a forty year low, were held to be the immediate causes of the recent poverty. More deep seated problems were also identified. The problems in the economy were not merely cyclical, but structural, particularly with regard to the fishing industry. The basis of the herring fishing industry altered fundamentally in 1884. Faced with a worldwide downturn in the industry the curers were no longer willing to continue the arrangement whereby boats were contracted to them for the duration of the season, at a fixed price per cran. Instead, fish began to be sold at a daily peirhead auction, with the fishermen receiving a share of the price. The effect was to expose the fishermen to any fluctuations in the market. Importantly, the dominant trend in the late 1880s was downwards.¹⁹

Similarly, fundamental problems could be discerned in the structure of land holding in the island. MacNeill and Fraser referred to the consequences of congestion due to sub division of holdings. This was a theme to which several government agencies were to return in the succeeding years. It was the characteristic problem in Lewis, although it did exist elsewhere, and one to which modern authors have referred in attempts to explain the retarded nature of the economy of the Island.²⁰ There are several factors which can be enumerated to account for this state of affairs; The relatively buoyant state of the economy in the years from the 1850s; The proliferation of sources of income leading to a decrease in the dependency on the holding encouraged the development of population levels which could not be sustained when the population was thrown back on the land, as it was in the late 1880s. A second reason for the congestion was exacerbated, although not directly caused, by the agitation. Prior to 1886, most estates would have had specific provisions in their regulations prohibiting subdivision. From 1886 this prohibition was given legislative authority in the Crofter's Act. This did not solve the problem. As we have seen attempts to outlaw subdivision in the Uists led to such an outcry amongst cottars that it was not followed through. In this period of agitation cottars in particular were alert to anything that could constitute a grievance. By the same token estates were reluctant to take actions which could lead to any further agitation. The agitation had seen lines of conflict drawn between the cottars and crofters and the estate managements. The authority of the proprietors, and more pertinently the factors, was low as a result. Thus, the problem of enforcing the prohibition of subdivision was exemplified. Concluding their thoughts on a sombre note MacNeill and Fraser declared;

It is our conviction ... that actual starvation in Lewis has only been averted during the present winter by the exceptional abundance of last season's crop, and will almost certainly occur before the crop of next season is available; your Lordship will judge whether the immense population here congregated can safely be permitted to rely on a chance so precarious in this climate as a continuance of favourable harvests.²¹

The official recognition of the peculiar problems of the island was regarded as a vindication of their position by the crofters' movement. However, they did not regard the solution proposed so positively.²² Given the depth of the problems recounted in this report it is not surprising that the authors proposed a solution which they regarded as permanent rather than palliative: state aided emigration. Emigration had been a permanent feature in government thinking about the Highlands for over 50 years. MacNeill and Fraser were pushing an open door in terms of this policy recommendation. The government were already some way to developing a scheme for state aided emigration by the time MacNeill and Fraser reported. The climate of opinion and comment at the time was heavily in favour of emigration, or colonisation, for the Highland crofters.²³

From an early date, the government was making efforts to organise a scheme which was both politically and financially acceptable. By mid 1887 Lord Lothian the Secretary for Scotland had concluded that "the first step towards the solution of this great problem is an attractive and well devised scheme of state aided emigration". He undertook negotiations with various Canadian land companies to organise a scheme of colonisation involving their lands and government money. The discussions broke down over the issue of government unease at using the land as the security for the loans which were to be advanced. However, interest was revived on the part of the government, though not the land companies, with the agitation and destitution which characterised the later part of the year. They proceeded to organise a scheme involving the Canadian government. The Imperial government would provide loans of £120 for each emigrant family, and the Dominion government were to provide 160 acres of free land under the Homestead Act. Malcolm MacNeill was despatched to Lewis and Harris in the spring of 1888 to undertake the task of selecting suitable families for emigration.²⁴

There were a number of reasons for the adoption of the scheme, some explicit and publicly admitted, others not. Publicly, three basic reasons were enumerated; to benefit the population, to relieve the congestion, and to increase the size of holding available to those who remained. The latter two objectives were to be achieved by the reallocation of the holdings of the emigrants. The government made sure that it had assurances from the estates involved before the scheme was proceeded with. MacNeill saw a number of advantages for those remaining behind. Not only would they benefit from "increased elbow room" but predicted that the emigrant would find success in Canada and be able to "help his poor relations at home".²⁵

There were a number of other factors in the government's thinking on this issue which they did not so readily reveal. The emigration scheme fitted into the government's priority task at the time, which was to eradicate the agitation at source. Lothian admitted that because of its slow progress the Crofters' Commission was not likely to settle the agitation. Further, it was felt that the Crofters' Act was a remedial measure and as such insufficient to deal with the real problem, congestion of population. Although the scheme contemplated at this juncture was limited in the number of families involved, it was hoped that it would prove valuable for the future. It would be viewed as a, hopefully successful, experiment in colonisation, and thus provide a model for the undoubtedly larger scheme which was required if congestion was really to be tackled. After all, in November 1886 MacNeill had written of the necessity of emigrating 30,000 families.²⁶ Lothian saw the scheme of emigration as an alternative to reform of land tenure. It was to his mind a "permanent" remedy whereas land tenure reform was perpetual in its possibilities for raising expectations. He shared the view of MacNeill that a much bigger scheme would have beneficial effects.²⁷

Attitudes to this scheme varied considerably. It is very difficult to arrive at a verifiable conclusion as to the true state of crofter opinion on the matter. Certainly MacNeill found no difficulty in finding enough people to use up the £12,000 which was available for the colonisation scheme. He asserted before the Select Committee on Colonisation in 1889 that there was a general feeling in favour of emigration in the districts which he had visited. Other witnesses before that Committee who could safely be defined as representing the interests of the proprietors - such as William Peacock Edwards the Edinburgh solicitor and factor for Lady Gordon Cathcart or George Malcolm, factor for the Ellices of Invergarry - agreed with him. Equally strong in their assertions to the contrary were the representatives of the Crofter's movement, such as John Murdoch, Alexander MacKenzie, and the MP for Sutherland, Angus Sutherland. However, nothing in the way of reliable evidence was marshalled by either side to support these assertions. Interestingly, Lothian had claimed in 1887 that he had the support of three of the crofter MPs, as well as the Parnellites for an earlier version of the emigration scheme.²⁸

While MacNeill was in Lewis and Harris selecting families for emigration he encountered some concrete evidence of the Land League's opposition to emigration. They submitted fictitious applications and since it was MacNeill's policy to personally visit every applicant this resulted in a considerable waste of his time. He attempted to counter this by ensuring the applicants were chosen early and subjected

to extra "encouragement" by the estate management to ensure that there was no "hesitation" when the time came. It was of course in the interests of the League to attempt to create the impression of crofter opposition to emigration. If emigration was seen to be gaining ground among the crofters it would counter their argument that there was sufficient land at home for them, and severely limit the League's ability to campaign effectively on that premise.²⁹

The details of the fate of the colonists on the other side of the Atlantic, and the difficulties which the scheme encountered have been covered elsewhere. It would seem that the 1888 emigrants went out too late in the year to be able to begin cultivating their land and had to live off their money until the spring of 1889. Subsequent investigations concluded that the loans made available to them, £120, were insufficient to allow them to set themselves up adequately. Other problems included allegations of extravagance among the colonists in their purchases of agricultural implements, and families attempting to make the loan of £120 cover two holdings, one for the father and another for a grown up son. Due to these problems the government had difficulty in recovering its money and the two settlements, Killarney in Southern Manitoba and Saltcoats in the North West Territories were less than conspicuous successes.³⁰

Other problems existed closer to home though, notably maladministration by the board set up to organise the scheme. It has been argued that it was the opposition of the crofters which ensured that the scheme did not continue beyond 1889. Certainly opposition from the Land League was encountered. How far this reflected broad based opposition by the crofting population could be questioned. Further, the government's attitude to the opposition makes it unlikely that they would capitulate to it. MacNeill actually reported that he regarded the opposition of the League as an encouraging sign;

...if the Land League ... did not look on emigration as a death blow to the agitation and therefore to their power for mischief, these cruel misrepresentations would not be used to induce the people to remain.³¹

The fact the the Board spent all the money it had available to it by 1889, and the difficulties they encountered in extracting repayments were more important in the termination of the scheme than any positive response to the crofting community's demands.³²

This was in many ways a novel scheme, the first time the state had become involved in the concept of emigration to this degree. It would have been surprising if some attempt had not been made to test the possibilities of emigration as a policy given the number of times it had been recommended to the government and the clamour for it which continued in the press. The Liberal government which took office in 1892 had different priorities and was not well disposed towards emigration. From 1889 the Unionist government had themselves began to develop more diverse policies. Emigration, although it remained on the agenda it did so at a lower level than before. Perhaps the principal limitation with the colonisation policy was that it was geographically limited. The areas of congestion in the Highlands were limited to portions of the Hebrides, mainly Lewis and Harris, and the west coast. There were areas of the Highlands which the government had not really reached with any of its policy initiatives.

III

The Government's policy, developed over the years from 1888 to 1892, for the development of the country and the stimulation of the fishing industry by large scale investment in the infrastructure in the Highlands has been hailed as a watershed in government thinking.³³ A link should not be made between the demise of the policy of colonisation and the beginning of the policy of development first manifested in the appointment of the West Highlands and Islands Commission, chaired by Spencer Walpole, the Governor of the Isle of Man, in 1889.³⁴ Further, the policy of development should not be seen as a victory for the crofting community, or as significant of a sudden belief in the government of the viability of the crofting system. The harsh reality was that the initiative stemmed from concerted proprietorial demands and it should be seen as part of the same process which had led to the attempt at a colonisation scheme.

In mid 1888 Lothian received a lengthy Memorial from a group which included most of the major Highland proprietors. Their analysis of the state of the Highlands was closely in tune with that of the government. They perceived the problems to be chronic and believed that the only solution was concerted government intervention in three areas. Firstly, a programme of public works with the specific aim of developing the fishing industry; secondly, relief of congestion through colonisation; and thirdly,

an injection of money to subsidise ratepayers in heavily burdened areas. They argued that the development was only likely to be successful if the population had been reduced at first. The proprietors explained away their distaste for government intervention by arguing that it was not they, but the government, which had begun the process with the 1886 Act.³⁵

In his submission to the cabinet, Lothian responded positively to the demands made by the proprietors, arguing that it was desirable that the possibilities for developing the fishing industry should be examined, the colonisation scheme continued and extended, and some money should be found for the relief of local taxation in the Highlands. The objectives were clear, in the short term to relieve the prevalent destitution, and in the longer term to diversify the economy in the Highlands to reduce the centrality of the crofting system. As the civil servant William Dunbar argued, with better facilities for the fishing industry and better connections to the southern markets, the West Highland Crofters "might become independent of their crofts altogether".³⁶ This idea of weaning the people of the land, or at best separating the disciplines of fishing and crofting was an abiding concern for the government. It was felt that the people in trying to do both only succeeded in doing neither well enough to make a living. The government conducted exhaustive enquiries before the policy bore any fruit. Lothian, himself visited the Highlands in 1889 to view the sites of the potential developments, and to meet the crofters in what was essentially a public relations exercise.³⁷ Consequent upon this experience he appointed the West Highlands and Islands Commission. This body made two reports, the more important in 1890 concerning the Islands and the Western Seaboard and a second the following year dealing with the northern coast and the Orkney and Shetland Islands. Its main recommendations were a railway to the West Coast preferably with its terminus at Aultbea, and the extension of the existing railways from Stromeferry to Kyle of Lochalsh and Banavie to Mallaig. The operation of a system of subsidies to steamers on the West Coast and the development of a major harbour at Ness in Lewis and numerous other smaller landing places. They also proposed expenditure on seemingly minor, but nevertheless important items, as lights for shipping and telegraph facilities. One of the improvements which were recommended was a road from Stornoway to Carlaway on the West Coast of Lewis³⁸. This proved to be a long running saga. The work was beset with problems, both contractual and technical and the road was not completed until 1912. On its completion it became popularly known as the "Pentland Road", in recognition of the Liberal Scottish Secretary, John Sinclair, later Baron Pentland, who made significant efforts on its behalf. The main objective here was the development of the fishing

industry which the Commission felt had been neglected due to the lack of facilities, and to a "want of energy" amongst the Highlanders which was perpetuated by the poor facilities. They also felt that emigration was a crucial component in the development of the Highland economy and added another voice to those arguing that crofting and fishing could not be simultaneously pursued.³⁹ Lothian pressed the Treasury hard for the £150, 000 which he felt justified in asking for to carry out these recommendations. He used some interesting arguments in his submissions to G.J Goschen, the Chancellor of the Exchequer, arguments which confirm the view that the policy of development should be viewed concurrently with that of emigration. He argued that the Highlands were a special case requiring government intervention as local taxation was insufficient to cover the expenditure. The expenditure, it was argued, would see the Highlands transformed to a condition where agitation was a thing of the past and prosperity would be generated through the increased income from the fishing industry. Above all Lothian pointed out;

In conclusion, I must add that my recent visit to the North West Districts has confirmed my conviction that, concurrently with any other scheme of assistance, it is absolutely necessary, for the permanent relief of the destitution and overcrowding in many of these districts, that a regular scheme of emigration should be carried out. Without this the problem is I think, insoluble.

One of the arguments which Lothian used in his attempts to extract money from the Treasury was to point out that the government had sanctioned expenditure for similar purposes in the West of Ireland.⁴⁰ As well as coercion and poor relief, Balfour had initiated large scale development schemes. These included railway building and the improvement of agriculture through the Congested Districts Board, set up in 1892. These schemes have recently been criticised by historians on account of their lack of contribution to the prosperity of the region and the anglo-centric political motivations behind them. Although there were similarities between the two cases, in that both involved an agitation among small tenants there were differences. Most importantly the government believed there was a great deal more at stake in Ireland. Home Rule had to be killed, with kindness or repression, whichever was the most effective. Salisbury and Balfour believed that if Ireland was allowed to leave the UK it would be the beginning of the disintegration of the Empire. No such big claims could be made for the Highlands.⁴¹

In December 1890 the Treasury agreed to expenditure of nearly £70000 to cover the building of the roads and harbours, the steamboat subsidies and the telegraphic extensions. The final amount of grant would however be unknown until the controversial railway question was settled.⁴²

The issue of which of the proposed railway schemes should qualify for government assistance was generating a considerable amount of debate. As well as the proposed extensions of the Highland Railway to Kyle of Lochalsh, and the West Highland line to Mallaig there were other schemes mooted. The issue of the whereabouts of the terminus on the West coast to serve the Minch fisheries was particularly vexed. Various interest groups were arguing for Aultbea, Ullapool, Lochinver and Laxford. In all probability it was likely in 1890 that only one of these lines could be built. Aultbea had a number of physical and geographic advantages over the others, but Ullapool had the political advantage that its proposers had an Act of Parliament passed to sanction the line.⁴³ Railway Company politics were also a pertinent issue in the decision. The Highland Railway Company owned the line to Strone Ferry and it was felt that they would be unlikely to see much sense in operating another line to the west coast. Indeed they had turned down the opportunity of doing so. On the other hand they were unlikely to feel positive about their rivals, the Great North of Scotland Company, running the line, especially as some of the new route to the west coast would have to utilise the Highland line for a portion of the journey, regardless of the terminus. For example if the terminus was to be Ullapool the most direct route would be by way of a branch from Garve on the Highland Line, or Achnasheen on the same line in the case of Aultbea. This controversy gave rise to what the Scottish Office called a "most interminable correspondence."⁴⁴ Despite the West Highland Commission recommending that the location of the terminus be Aultbea and a second committee appointed in May 1891 favouring Lochinver, the government tended to support Ullapool. Perhaps this was so because of the vociferous nature of the representations from that quarter, or, more likely, the existence of Parliamentary and Treasury approval for the line.⁴⁵ The issue was not settled in the lifetime of the government. In the event none of the large projects contemplated were carried out. The two existing lines were extended to Mallaig and Kyle of Lochalsh respectively, with the help of government loans. The government, certainly the Unionist government, were not entirely comfortable about subsidising a

line which was never likely to be a viable commercial proposition. Despite defence implications and statements about the national good the only real justification for such a line would be the development of the fishing industry, and with the agitation dying out by the early 1890s the Highlands were given less priority by the government.

It can be seen then that despite large claims in its early years the Unionist government actually failed to produce the fruits of its policy. The *Scotsman* aptly commented in 1891 that the Highlands "are never without their Commission". The government spent a great deal of time in the gathering of information for the policy making process possibly to the exclusion of positive action. Most of its policy initiatives were never followed through, the colonisation scheme never proceeded past the stage of experimentation, the ideas for the development of the Highlands did not fully come to fruition. Railway development was limited and protracted and specific projects like the Carloway Road and the Ness Harbour in Lewis proved problematic. This is not to argue that a certain amount of progress was not made in the building of harbours, subsidising of steamers and development of the telegraph system, with the latter being especially helpful to the fishing industry. However, these were minor achievements compared to the intentions of the Government in its early years. Certainly, the Unionist government did not preside over a lasting transformation in the state of the Highlands. In particular, the fishing industry never achieved the central economic role for the indigenous population which Lord Lothian and others had hoped.⁴⁶

A second concluding point which can be made on the record of this government is not only to note the structure of its intended policy, with the combination of emigration and development but also the direction. In announcing his visit to the Highlands in 1889 Lord Lothian made clear the objectives he had in mind for the visit;

the object of ascertaining how far any of the proposed works are practicable, desirable and likely to prove effective. The inquiry will not be directed to questions of rent, or as to how far the demand for more land can be met, these being matters falling within the province of the Crofters' Commission.⁴⁷

This attitude was redolent of the overall approach of the Government. They attempted to deal with the problems of the Highlands without further alteration of the arrangements of land tenure. Whether they were worried about being perceived weak in the face of continuing demands from the Land League, or concerned about creating undue expectations among the crofters, is unclear. This attitude makes the thesis that this government was highly responsive to the demands of crofters difficult to substantiate.⁴⁸

Away from the debates in the government about Highland policy the situation on the ground had changed by the early 1890s. The agitation had declined considerably. It took on the appearance of a guerilla campaign rather than a full frontal assault on the existing structure of land holding. Instead of the large scale land raids which had been characteristic of the agitation in 1887 and 1888, action was limited to small scale intrusions, the destruction of fences and dykes and the occasional deforcement of a Sheriff Officer.⁴⁹

The period 1888 to 1891 had seen three relatively mild winters and no particular cry of destitution from the Highlands. Stock prices had been better and there was a slight upturn in the income from the fishing industry. However a climatic deterioration in early 1891 exposed the vulnerability of social conditions. Destitution was reported in the parish of Lochbroom in Wester Ross and in Skye, and was of a scale and intensity for the poor relief authorities to require imports of meal and for the commencement of relief works to be contemplated.⁵⁰ The following winter saw further problems and although the focus of the problem this time was Lewis, problems were also encountered in north Sutherland. The mild winters had seen a build up of stock beyond what could be wintered on the land when the weather deteriorated. Valuable seed and meal was then used to keep animals which should have been sold years before, and a shortage of food was the ultimate result. Poor agricultural practice, particularly in Lewis where rotation of crops was practically unknown, certainly did not lead to optimism in the government.⁵¹ Many of the attitudes which the authorities displayed towards the relief of this distress were reminiscent of the famine of the 1840s. The idea of the destitution test remained relevant, *ie.* pitching the wage levels for relief works lower than anything else available, to ensure that only the truly destitute would consider accepting them.⁵²

The Unionist government of 1886 to 1892 had clearly demonstrated its priorities. First of all to adopt a structured approach, encapsulating colonisation to reduce congestion, to be followed by development to ensure that the remaining inhabitants would not impose on the government again. This policy would, in theory, lead to the obsolescence of the second strand demonstrated by Lothian, the taking of emergency action to deal with recurring crises, either in the shape of agitation or destitution. The reform of land tenure, the crofters' principal demand, was simply not on the government's agenda. This demonstrates that the government were responding to their traditional constituency, the proprietors. The policies pursued in the period 1886 to 1892 reflected their demands, as enumerated in their Memorial to the government in 1888.

The unpopularity of the general thrust of the policy, as much as dissatisfaction with the government's failure to fulfill the promises it had made, accounted for the success of the Crofter candidates at the General Election of 1892. Caithness, Sutherland, and Ross-shire, were all retained. In Argyll D.H. MacFarlane recaptured the seat he had lost in 1886 to Colonel Malcolm of Poltalloch, a Tory proprietor. In Inverness-shire the crofters' most highly respected and longest serving representative, Charles Fraser MacKintosh was defeated by Dr Charles MacGregor, a Land League candidate. This result reflected the unpopularity of Fraser MacKintosh's opposition to Home Rule.⁵³ This result was inexplicable to the Tory press and led them to reflect on the ungrateful nature of Highland electorates and the cheap promises of the Land League.⁵⁴ The victory of the Crofter candidates in 1892 was different to the successes of 1885 or 1886. By 1892, the Crofter MPs had become synonymous with the Gladstonian Liberal Party. The Land League itself had changed. Its interests had become broader, espousing Disestablishment and Home Rule. This only served to cause divisions among its members who, although they agreed on Highland issues, did not necessarily share the same views on these wider questions. Splits began to appear in the ranks of the League, initially in the Inverness-shire branch in 1891, but more widely in 1893. That year saw the HLLRA reformed by prominent members of the League dissatisfied with the problems caused by Angus Sutherland's Chairmanship, particularly his perceived neglect of the grass roots of the movement. This had been reflected in poor performances in the County Council and School Board elections. Many felt the League was being run by a London based clique. Efforts were made to bring its decision making structure closer to home and to revamp its campaigning facilities. Despite this, the various embodiments of the crofters' movement could not regain the eminence of the HLLRA in the mid 1880s.⁵⁵

IV

Gladstone's fourth administration, which took office in August 1892, engendered high expectations in radical circles with its shopping list of reforms embodied in the Newcastle Programme. These high expectations were evident in the Highlands. Sir George Otto Trevelyan, Secretary for Scotland, as he had been for a period in 1886, had toured the Highlands in 1890. He poured scorn on the Unionist policy, and denounced the West Highland Commission as a fraud. He went on to promise that the government would legislate on behalf of the cottars and leaseholders who were excluded from the 1886 Act, and bring more land under crofting tenure. He was, however, vague on the precise mechanics of this proposed transformation.⁵⁶

Trevelyan proved to be a weak Scottish Secretary in an administration with a slim majority and little standing in the country, especially after Gladstone's retirement in March 1894. One contemporary described his performance as "lamentable".⁵⁷ The first evidence of the new Government's Highland policy was the appointment in December 1892, of the Royal Commission (Highlands and Islands) 1892, which became popularly, and somewhat misleadingly, known as the "Deer Forest Commission". The fact that Highland policy was low on the agenda of another Liberal government dominated by Irish Home Rule is suggested by the fact that Trevelyan and Harcourt had to remind Gladstone that such a Commission had been discussed at the cabinet. Its purpose was to;

... inquire whether any, and if any, what land ... now occupied for the purposes of a deer forest, grouse moor, or other sporting purposes, or for grazing not in the occupation of crofters or other small tenants, is capable of being cultivated to profit or otherwise advantageously occupied by crofters or other small tenants.⁵⁸

The government had declared that the Commission was not appointed to advise on policy, it had already been decided to give more land to the crofters, but to identify the land which would be given.

The Commission received a universally bad press on its appointment, throughout its work, and on the publication of its report. The initial criticisms focused firstly, on the vague nature of the remit, particularly the words "otherwise advantageously occupied", which commentators struggled to interpret. Secondly, the personnel of the Commission was attacked on account of its lack of practical expertise in land

valuation and agriculture, and further on its political persuasion, which was largely inclined to the Land League. One Highland factor called them a "sorry crew" and predicted a wholesale attack on the property rights of landowners. The Commission was Chaired by David Brand, the widely respected Chairman of the Crofter's Commission. Several well known Land League personalities also sat; Angus Sutherland, MP for Sutherland and Rev Malcolm MacCallum, Church of Scotland Minister in Muckairn, Argyll-shire. Both were prominent in the crofters' movement, and the latter was a brother of the equally prominent Rev Donald MacCallum of Waternish and subsequently Lochs in Lewis. George Gordon, a land valuer from Elgin, was the only member with any relevant expertise. Voices associated with the crofters' movement commented, prophetically, that the only effect of the Commission would be to delay legislation. The response of proprietors was to convene in Inverness, under the Chairmanship of Cameron of Lochiel, to lament the effect the Commission would have on the value of their land.⁵⁹

Prior to the publication of its report, in April 1895, the Commission held 64 sittings, interviewed hundreds of witnesses, accumulated 1500 pages of evidence, and inspected the relevant lands. From the outset the evidence took the form of a sterile debate between representatives of the crofters and the proprietors. The former arguing that old arable land suitable for reoccupation existed in abundance. Aged crofters were produced to list the names of old townships which had been cleared at various points throughout the century. The latter responded by denying the validity of hearsay evidence based on the all too fallible memories of old men. Further, they pointed out that even if old arable land could be identified it did not necessarily mean it could be reoccupied profitably. Standards of living had changed and conditions tolerable in the 1830s would not be contemplated by the crofters of the 1890s. They pointed out that the grazing farms and deer forests which the crofters coveted would be destroyed as letting properties, to the detriment of prosperity in the Highlands, if they were given over to crofters. Proprietors and factors, who often gave evidence on their behalf, were particularly assiduous in their defence of deer forests arguing that they contained very little arable land at a suitable altitude for cultivation. The early sittings of the Commission set the pattern. John Mackay, a Portree merchant and Land League activist, asserted that land existed for the crofters and painted a picture of halycon days in the Highlands prior to the clearances. Lord MacDonald's factor argued that while many of the farms on the estate had land of the requisite quality, it would destroy the farms if it was given over to crofters.⁶⁰

In fact the Commission was a forum where the lines between the Crofter's movement and the proprietors were clearly drawn. The Land League delegated its full time official, Donald Macrea, "Balallan", to help the crofters prepare their evidence and to see that they were questioned fairly by the Commissioners. The landlords organisation, the Highland Property Association, was represented by George Malcolm, who, in his lengthy evidence, delivered a classic exposition of the proprietorial case. He utterly denied the validity of Land League assertions that land existed for the crofters and that they should have it forthwith. The Highland Property Association had circulated a questionnaire to proprietors prior to the sittings of the Commission. They enquired as to the effect, on the estate and the local economy, of taking land from sporting and grazing purposes. Malcolm made it clear that he wished to argue that the amount of arable land in the deer forests was small, currently utilised, and hence not available for crofters.⁶¹ Others with an interest in deer forests were keen to make the same point, arguing that if the low lying, good land, was given to crofters there would be no place to winter the deer.⁶²

The defence of the deer forest system was often conducted through the argument that they provided much needed employment and investment in areas which would otherwise not receive such benefits. The validity of these arguments has been eroded by recent studies of the issue which tend to suggest that the employment created was seasonal and minimal. It perhaps only compensated for the jobs lost when the land went from sheep farm to deer forest. Certainly, from the point of view of those involved in the crofter's movement such expenditure did not strike at the root of the problem of shortage of land. The enumeration of the fringe benefits of deer forests was always likely to sound unimpressive to those who viewed their very existence with contempt.⁶³

The Commissioners made some attempt to investigate the potential of club farms as an alternative method of putting small tenants back on the land. They were held to have various advantages, in terms of improved husbandry and more attention paid to stock breeding. Nevertheless, there were disadvantages. It was felt by some that crofters had a propensity to quarrel which would hinder proper management. Also, club stocks tended to favour the crofter with means, at the expense of his less fortunate neighbour, and this could lead to problems. In the event club farms were not attempted widely enough for any judgement to be made as to whether they provided any answers to the problems of the Highlands.⁶⁴

The Commission was plagued by internal problems. These had begun in 1893 when George Gordon demanded payment for the surveying work he did in connection with the Commission. The government's accession to this request created resentment among the other Commissioners who were only receiving their expenses. The government eventually got round the problem by employing independent surveyors and not using Gordon in his professional capacity. Nevertheless, the Commission was never united, with various members absenting themselves at various points during its sittings. There was also a definite political split. Those members sympathetic to the Land League were derided by one of their fellow commissioners for bias in their perception of the evidence. They argued that wherever signs of former occupancy existed new holdings could be created. There had been problems finding suitable people to sit on the Commission at the outset due to the lack of financial recompense offered. Trevelyan attempted, without success, to get the Chancellor, Harcourt, to grant more money for the Commissioners.⁶⁵

The Commissioners scheduled 1, 782, 785 acres throughout the Highlands as suitable for occupation by crofters, either as grazing extensions to existing holdings or as new holdings. This was regarded as spoliation by much of the press. A more pertinent criticism of the Commission's recommendations is that they did not define the solution to the problem of shortage of land. Despite a large amount of debate on the subject in the evidence, the Commission made no recommendation as to the optimum size of holding. Other substantial issues which received no mention in the report included the crucial issue of money. If new holdings were to be created, who was to pay for the buildings, equipment, and stock which would be required. The only hint of thought on the implementation of policy was an addendum to the main report by three of the Commissioners. They advocated carrying out the recommendations through a land purchase scheme undertaken by a "representative body" with regulations for the selection of tenants and the management of grazings.⁶⁶

The report has often been interpreted by historians as a victory for the crofter's movement argument that land existed in abundance for the crofters,⁶⁷ a justification of the agitation, and an authoritative statement on the iniquity of the deer forest system.⁶⁷ A closer examination of the conclusions of the commission leads to a re-evaluation of these assertions. The total number of acres scheduled were divided into three sections. Land suitable for new holdings with corresponding pasture; land which could be used for extending existing grazings; portions of deer forests and sheep farms which were considered suitable for occupation as moderately sized

holdings at a rent of more than £30. In the first category the commissioners identified 794,750 acres, in the second category, 439,188 acres and in the third, 548,847 acres. In the latter category it was clear that crofters would be unable to take advantage of these holdings as they lacked capital. However, the government was not enthusiastic about providing money for the equipping and stocking of holdings. In turn, the land in each section was divided into old arable and pasture; in the first category there were 50,101 acres of old arable, in the second 4528 acres and in the third, 6393 acres. Clearly then the vast majority of land was not old arable but pasture. In addition, the commissioners made it clear that they considered deer forests to be most unsuitable for cultivation on account of their sterility, excessive altitude and remoteness. The commissioners accorded the Island of Lewis special attention but reached the conclusion that if all the forest and farm lands were given over to crofters they would still be insufficient to effect a permanent remedy. Thus, it can be seen that the recommendations were less revolutionary than has been claimed. The most recent historian has commented that the crofters found the conclusions "disappointing". This is a more realistic assessment than many that have been made, both at the time and by other historians.⁶⁸

The government, armed with the report of the Commission, was expected to legislate to settle the grievances of the crofters by bringing more land into crofting tenure. In the 1894 session they had attempted to pass a bill extending the benefits of the 1886 Act to leaseholders but it had to be dropped. At that time major legislation was postponed pending the report of the commission.⁶⁹ 1895, however, saw the government make a serious attempt to pass a large bill on behalf of the crofters. When its contents became known it occasioned major disappointment. Not least to Dr MacGregor, the MP for Inverness-shire who resigned his seat in protest at the government's lack of resolution on this issue. The Bill made no attempt to implement the recommendations of the Commission, merely extending the Act to other rural counties in Scotland, where the demand for such a measure was minimal, and to make enlargement of crofts through the Crofters' Commission easier.⁷⁰ Arthur Balfour taunted the government in the Commons with the argument that while his party were prepared to make substantial decisions to deal with congestion in the Highlands, the Liberals seemed content to tinker with the fringes of the problem. The crofters' movement was disappointed by the contents of the Bill, but regarded it as better than anything likely to come from the Conservatives.⁷¹ The Liberal government had initiated some minor developments during its tenure of office. Small grants were made to some of the County Councils for road improvements with particular reference to their educational needs. Further, it was Trevelyan who had

taken the decision to spend £45,000 on the extension of the Highland Railway to Kyle of Lochalsh. This, however, had been a long running issue, predating his term of office. The extension to Kyle was favoured by the government as the cheapest and simplest option. This was inevitably unpopular with the proponents of the other schemes.⁷²

The argument proved academic as the Government resigned on the 21st of June 1895. The failure of the Liberals to do anything for the Highlands was clearly reflected in the election results in 1895. Not only had the by election, caused by MacGregor's resignation, gone against the Liberals, but the victor on that occasion, Baillie of Dochfour, held the seat at the General Election. In addition, Argyll and the two burghs, Inverness and the Northern Burghs, also went to the Unionists. Several issues were involved here, clearly there was a national swing against the Liberals following the spectacular under achievement of the preceding three years. Further, and peculiar to the Highlands, were the issues of land reform, discussed above, and the government's espousal of disestablishment, which was unpopular among adherents of the Free Church. Liberal newspapers tried hard to forestall this defeat by arguing that a vote for the Conservatives was a rejection of land reform. Unionist ideas on land purchase were derided as "subterfuge" and antipathetic to the continuing need for more land for the crofting community.⁷³

V

The period 1886 to 1895 saw two distinct approaches to Highland issues. The Conservatives sought to temper radicalism with a tight grip on law and order, before going on to attempt to destroy its base with policies of emigration and development. Their espousal of emigration reflected the polarisation of the debate on the Highlands. With the crofters' movement arguing that there was land for the crofters to be settled on, the government chose to deny this with attempts to remove some of the population from the country.⁷⁴ They specifically avoided any measures involving reform of the relationship between proprietor and tenant. This reflected a belief that the Liberals had gone far enough in 1886, and a veneration for private property. Further, had they indulged in further land legislation, the perception could be fostered that agitation had its rewards. The Duke of Argyll solemnly warned his fellow peer, Lothian, that the inevitable end to such legislation would be crofters "quartered ... on the fields of Monteviot and Newbattle". Thus, the Conservatives restricted themselves to reforms of the Crofters' Commission in 1887 and 1888, displaying a tendency to administrative reform which ran through their domestic policy.⁷⁵

Under pressure from proprietors, and in possession of vast amounts of information from the Commissions, Committees and the multitude of reports from various officials who had been despatched to the Highlands, the Conservatives tried to stimulate the Highland economy through the development of the fishing industry. This policy promised more than it delivered. The central idea of a new railway terminus on the West Coast to ease the marketing of fish caught in the Minch did not come to fruition. The incomplete implementation of this policy and the changing political environment in the Highlands meant that when they returned to Government in 1895 the Conservatives adopted a new approach to the Highlands.

The approach of the Liberals in the period 1892 to 1895 was more ideological, but was hampered by the dominance of the Irish issue in 1892 and 1893, and by a chronic lack of leadership in 1894 and 1895. Trevelyan did not have the political weight to overcome these obstacles and force the Highland issue on to the cabinet agenda. His Royal Commission was derided from all quarters and its conclusions ignored. Despite the apparent commitment of the government on its election and its considerable reservoir of support in the Highlands, the Liberals failed to produce anything distinctive. However, atrophy in the crofters' movement and economic improvement meant that there was no resurgence of the agitation which had greeted similarly dashed expectations a decade earlier. They did manage to lay aside the shibboleth of emigration and concentrated on extending the crofting system, themes to which they returned in 1906.

The 1890s have been called the "decade of peace", clearly this was so in comparison to the to the strife of the 1880s.⁷⁶ This was the biggest achievement of the Unionist government and particularly reflected the efforts of Lord Lothian at the Scottish Office. As befitted a former diplomat, and in contrast to Balfour, his predecessor, Lothian's response to controversy was low key and constructive.⁷⁷

The major distinctive element to emerge from the period was the creation of a climate of opinion where land purchase could become an acceptable policy. In the Bill which followed his tour of the Highlands in 1887, Joseph Chamberlain advocated such a policy. The response of the Crofters' movement at this time was cool.⁷⁸ By the early to mid 1890s the major proprietors seemed more positive. The Duke of Sutherland experimented with a small scheme on his estate; MacLeod of MacLeod and Cameron of Lochiel advocated it before the Royal Commission of 1892.⁷⁹ MacLeod was praised for this advocacy by William Burroughs, the strident

Orkney proprietor, and by William Edwards, of Skene Edwards and Garson, an Edinburgh law firm which acted for many landowners. Further, the Conservatives had experience of the policy in Ireland. There, as in Scotland the objective was to free the proprietor from the limitations of "dual ownership" rather than to expropriate him on the crofters' behalf.⁸⁰ Proprietors were particularly opposed to the idea of having new holdings created on their estates against their will. This opposition was to be particularly vocal in the years after 1906 when a Liberal government tried to implement just such a policy.⁸¹

The themes of the period 1886 to 1895 extended back to the priorities of the earlier 1880s, with large scale law and order problems and difficulties over the rent issue. Also they extended forward to the period leading up to the Great War which was dominated by attempts to extend the crofting system geographically and politically, the latter through the attempted conversion of the crofter from a protected tenant to a peasant proprietor.

1. J. Hunter, *The Making of the Crofting Community*, (Edinburgh 1976) devotes twice as much space to the 1882 to 1886 period as he does to the 1886 to 1896 period; see also I.F. Grigor, *Mightier than a Lord*, (Stornoway, 1979); I.M.M. MacPhail, *The Crofter's War*, (Stornoway, 1989).
2. Hunter, *Crofting Community*, 170 - 171; MacPhail, *Crofter's War*, 199 - 201; J.P. Day, *Public Administration in the Highlands and Islands of Scotland*, (London, 1918), 183-5; *Oban Times*, 26th November 1887.
3. Details of the Argyll estate efforts to deal with the disorder on Tiree can be found in Inveraray Castle MSS, Bundle 907, Hugh MacDiarmid (Tiree factor) to the Duke of Argyll, 14th June 1886; same to same, 17th June 1886; MacPhail, *Crofter's War*, 189 - 190; see Appendix I.
4. SRO, Home and Health Department, Miscellaneous Files, HH 1/1, Minute of the Secretary for Scotland to the Lord Advocate as to the collection of rates and rents in Skye, 10th September 1886.
5. SRO, Home & Health Miscellaneous Files, HH 1/47, Sheriff Ivory to the Scottish Office, 5th October 1886. HRA, Kilmuir Estate Papers, AG INV 10/32, William Fraser to Alexander MacDonald, 29th November 1886; same to same, 28th October 1886; 10/72, John MacKenzie (Local Manager, Kilmuir) to Alexander MacDonald, 23rd October 1886.
6. Hunter, *Crofting Community*, 168 - 169; MacPhail *Crofter's War*, 196 -198; Robin Harcourt Williams, (ed), *The Salisbury Balfour Correspondence, 1869 - 1892*, (Herts Record Society, 1988), 162-3, Salisbury to Balfour, 22nd October 1886.
7. SRO, Lothian Muniments, GD 40/16/4/25-25, Police Report Lochinver 23rd May 1887; GD 40/16/4/27, R.M. Brereton (Commissioner on the Sutherland Estates) to Sandford, 27th May 1887.
8. SRO, Department of Agriculture and Fisheries, Crofting Files, AF 67/36, Sheriff Cheyne to Lothian 3rd December 1887; AF 67/37, Cheyne to Lothian, 29th December 1887; AF 67/38, Sheriff MacKenzie to Lothian, 7th January 1888.
9. *Scotsman*, 24th November 1887, *Glasgow Herald*, 24th & 28th November 1887, *Scottish Highlander*, 1st & 8th December 1887, *Northern Chronicle*, 30th November 1887; SRO, Department of Agriculture and Fisheries, Crofting Files, AF 67/35, Cheyne to Lothian, 26th November 1887; SRO, Lothian Muniments, GD 40/16/12/39-40, Charles Innes (Innes and Mackay, Inverness Solicitors) to Sandford,

20th December 1887; Hatfield House MSS, 3M/E, ff 106-7, Lothian to Salsbury, 22nd November 1887.

10. Ian Bradley "Having and Holding: The Highland Land War of the 1880s", *History Today*, 37, 1987; Hunter, *Crofting Community*, 172-173; Donald MacDonald, *Lewis: A History of the Island*, (Edinburgh, 1978), 173-174; MacPhail, *Crofter's War*, 201-207; Willie Orr, *Deer Forests, Landlords and Crofters*, (Edinburgh, 1982), 135-141; Malcolm Maclean & Christopher Carrell, (eds), *As an Fhearran: From the Land*, (Edinburgh/Glasgow/Stornoway, 1986), 31; James G. Kellas, "The Crofters' War, 1882-1888", *History Today*, 12, (1962), 287-288.

11. For example, *Northern Chronicle*, January 25th 1888; *Scotsman*, January 18th 1888; *Inverness Courier*, January 17th 1888. *Glasgow Herald*, January 18th 1888.

12. SRO, Crofting Files, AF 67/36, William MacKay to Cheyne, 6th December 1887, Police Report Ness, 8th December 1887; AF 67/37, Cheyne to Scottish Office, 26th December 1887; AF 67/40, Cheyne to Scottish Office, 22nd December 1888;

13. SRO, Crofting Files, AF 67/95, Police Report Staffin, 14th January 1888; AF 67/96, Webster to Ivory, 2nd February 1888, Skene, Edwards and Bilton to Lothian, 4th March 1888; AF 67/97, Webster to Ivory, 1st March 1888; AF 67/98 Police Report Lochmaddy, 2nd April 1888; C.W.J. Withers, *Gaelic Scotland: The Transformation of a Culture Region*, (London, 1988) 381.

14. SRO, Lothian Muniments, GD 40/16/12/63-68, Confidential Memo for the Secretary for Scotland on the best way of Employing an armed force in the Highlands and Islands; SRO, Crofting Files, AF 67/42, Police Report Stornoway, 8th March 1888; AF 67/40, Cheyne to Scottish Office, 20th January 1888; AF 67/41, Cameron of Lochiel to Cochran Patrick, 4th February 1888; BL Add MS 49801, A.J.Balfour Papers, ff 27-45, Memorandum, 14th September 1886; MacPhail, *Crofter's War*, 193 - 194; D.M. Henderson, *The Highland Soldier: A Social Study of the Highland Regiments, 1820-1920*, (Edinburgh, 1989) 219-20.

15. For one aspect of this see R. Perren, "The North American Beef and Cattle Trade with Great Britain, 1870 to 1914", *Economic History Review*, 24, (1971), 430-444.

16. SRO, Crofting Files, AF 67/68, Supt Gordon, Stornoway, to Chief Constable, Inverness, 5th December 1887, Board of Supervision to the Scottish Office, 10th & 12th December 1887, William Mackay (Lewis Chamberlain) to Peterkin (Board of Supervision), 6th December 1887; AF 67/74, MacKay to Lothian, 12th June 1889.

17. J.P. Day, *Public Administration in the Highlands and*

Islands of Scotland, (London, 1918), 121-122; SRO, Lothian Muniments, GD 40/16/25/7-11, Memorandum on the Memorial of Proprietors in the Western Highlands of Scotland, (Cabinet Paper 27th July 1888); GD 40/16/53/37-38, Statement on the Amount assigned by Parliament for Purposes special to the Highland Crofting Counties from April 1st 1887 to March 31st 1892.

18. SRO, Crofting Files, AF 67/36, Cheyne to Lothian, 3rd December 1887; AF 67/68, Lochiel to Lothian, 6th December 1887.

19. Day, *Public Administration*, 121.

20. T.M. Devine, *The Great Highland Famine*, (Edinburgh, 1988) 292-294.

21. *Report on the Condition of the Cottar Population in the Lews*, PP 1888, LXXX.

22. *Oban Times*, 18th February & 5th May 1888.

23. For example, *Glasgow Herald*, 13th December 1887; *Inverness Courier*, 13th January 1888; *Northern Chronicle*, November 30th 1887; *Scotsman*, 5th January 1888.

24. SRO, Lothian Muniments, GD 40/16/27/72-73, Confidential Memorandum re Crofter Emigration, 10th May 1887; GD 40/16/18/3, Poster for Emigration Scheme; Select Committee on Colonisation, 1889, Evidence of R.W. Cochran Patrick, Q 25.

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26. SRO, Lothian Muniments, GD 40/16/27/72-73, Confidential Memorandum re Crofter Emigration, 10th May 1887; SRO, Emigration Files, AF 51/5, Memorandum by Malcolm MacNeill, 3rd November 1886.

27. Hatfield House MSS, 3M/E, ff 75-6, Lothian to Salisbury, 21st July 1887; ff 136-41, same to same, 6th December 1887; same to same, 17th May 1888; same to same, 29th April 1889; Hunter of Hunterston MSS, Bundle 1, Lothian to R.C.Cochrane Patrick (Under Secretary for Scotland) 29th May 1888. I am grateful to Dr Edward Patterson, Librarian at Hunterston Castle for his help and hospitality.

28. *Select Committee on Colonisation*, PP 1889 (274).

Malcolm MacNeill, Q 370; *Select Committee on Colonisation*, PP 1890 (354), William Edwards, Q 3667; John Murdoch, Q 4249; Alexander Mackenzie, Q 4800; George Malcolm, Q 6505; Angus Sutherland Q 6946; Hatfield House MSS, 3M/E, ff 76, Lothian to Salsibury, 21st July 1887.

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33. Hunter, *Crofting Community*, 178-9.

34. Hunter of Hunterston MSS, Bundle 3, W. Blackburn to Cochran Patrick, 6th December 1889.

35. SRO, Lothian Muniments, GD 40/16/25/2-5, Memorial of Proprietors of Landed Estates in the Western Highlands and Islands of Scotland. HRA, Strathaird Estate Papers, AG INV 12/4, Alexander MacAllister (Proprietor) to Alexander MacDonald, 18th February & 9th June 1888; HRA, AG INV 14/7, Various Papers Relating to Lord MacDonald's circular to West Highland Proprietors, 6th February 1888.

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37. SRO, Crofting Files, AF 67/72, Lord Lothian's visit to the Highlands, 1889; *Scotsman*, June 11th, June 12th, June 19th 1889.

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4/1-3, gives some flavour of the problems in the early years; Day, *Public Administration*, 328.

39. *Report of the Commission appointed to inquire into certain matters affecting the interests of the Population of the Western Highlands and Islands of Scotland*, PP 1890 XXVII.

40. SRO, Lothian Muniments, GD 40/16/25/16, Lothian to Goschen, 10th August 1889.

41. Andrew Gailey, "Failure and the Making of the New Ireland", in D.G. Boyce (ed) *The Revolution in Ireland, 1879-1923*, (London, 1988), 61; F.S.L. Lyons, *Ireland Since the Famine*, (Rev Ed, London, 1982), 202-207; L.P. Curtis, *Coercion and Conciliation in Ireland, 1880-1892*, 432; J. Lee, *The Modernisation of Irish Society, 1848-1919*, (Dublin, 1973), 123-4.

42. SRO, Lothian Muniments, GD 40/16/25/15-16, Lothian to Goschen, August 10 1889; GD 40/16/25/17-23, Lothian to W.H. Smith, November 18 1890; GD 40/16/25/32-34, W.H. Smith to Lothian 19th February 1891.

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44. SRO, Lothian Muniments, GD 40/16/29/27, Statement of proceedings in connection with negotiations for the Construction of the Garve and Ullapool and other Railways on the West Coast of Scotland, 25th June 1891; SRO, Crofting Files, AF 67/208, Memo by the Under Secretary for Scotland on Highland Railways.

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46. Malcolm Gray, "Crofting and Fishing in the North

West Highlands, 1890-1914", *NS*, 1, (1972), 89-114.

47. *Scotsman*, June 11th 1889

48. Hunter, *Crofting Community*, 167.

49. See Appendix I;

50. SRO, Crofting Files, AF 67/77, Resolution from Ullapool, 6th March 1891, Petition from Kilmuir, Skye, 4th March 1891, Peterkin (General Superintendant of Poor) to Board of Supervision, 18th February 1891; AF 67/78, Peterkin, Report on Destitution in Lochbroom, 19th March 1891.

51. SRO, Crofting Files, AF 67/79, Chairman of the Parochial Board, Tongue, to the Board of Supervision, AF 67/80, Peterkin to Board of Supervision, 25th April 1892; AF 67/81, Memo by Malcolm MacNeill, 2nd May 1892; AF 67/82, William Hosack to Under Secretary for Scotland, 11th May 1892.

52. SRO, Crofting Files, AF 67/77, Peterkin to Board of Supervision, 18th February 1891; T.M. Devine, *Great Highland Famine*, 130-131.

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55. *Scotsman*, September 22nd 1893, *Scottish Highlander*, December 17th 1891; Hunter "Politics of Highland Land Law Reform"; Crowley, "Crofters' Party"; M. Keating & D. Bleiman, *Labour and Scottish Nationalism*, (London, 1979), 46-7, discusses the widening scope of the interests of the Crofters' Movement but does not make the connection with its decline.

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58. BLO, MS Harcourt Dep 92, ff 42, Trevelyan to Harcourt, 22nd December 1892; ff 127, same to same, 28th October 1892; Remit of the *Royal Commission (Highlands and Islands) 1892*, PP 1895 XXXIV.

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CHAPTER FOUR.

The Conservative Government and the Congested Districts Board, 1897 to 1906.

The 1895 election had seen significant Unionist advances in the Highlands. In 1895 J.E.B. Baillie held Inverness-shire which he had won earlier in the year at a by-election. The two burgh constituencies and Moray and Nairn were added. Despite losing Inverness-shire in 1900, the Unionist breakthrough was consolidated by victories in Orkney and Shetland, and Sutherland.¹ Unionist land policy in these elections was twofold. Much of their rhetoric was critical of the Liberal government which was accused of having ignored the Highlands. More substantively, they promised a measure of land reform based on the concept of land purchase. This, as has been noted above, was called for by a minority of the 1892 Royal Commissioners. Historians have made the link between that Royal Commission and the establishment of the Congested Districts Board (CDB) in 1897.² This misses the point. There was a definite Conservative analysis of the land question which led to the application of the concept of land purchase in Scotland, as in Ireland. Not only was there the aim of relieving existing proprietors of the burden of their crofting tenants, but also the aim of creating new proprietors. The Duke of Argyll, summarised this neatly in 1895;

A measure which could provide facilities for the purchase of estates at low prices to be broken up might create a very desirable Conservative middle class of proprietors.³

This chapter will examine the conduct of the CDB under the Conservative Governments from 1897 to 1906. This examination will proceed primarily in the context of the Conservative objectives behind its creation. However, of considerable importance is the crofter input to the development of the policy of land purchase. This was largely a negative contribution, with crofters reluctant to cooperate in the key policy of migration, and unwilling or unable to purchase holdings. These trends created the conditions for a distinctive Liberal contribution to the debate on Highland policy from 1906

I

1897 saw the passing of the Congested Districts (Scotland) Act. It provided for the creation of a Board to administer a fund of Government money to be used for the benefit of certain parishes deemed "congested". These were to be defined by the members of the Board with reference to the population and valuation of those parishes. The formula used was that the valuation of holdings under £30 should not exceed £1 per head of population.⁴ This led to 56 parishes in the crofting counties being defined as congested. Andrew Graham Murray, the Lord Advocate (as the Scottish Secretary, Lord Balfour of Burleigh, was a peer, Murray conducted Scottish business in the Commons) told MPs what the objects of the new Board were to be;

The objects included the aiding and developing of agriculture... the provision of land for sub division among crofters and cottars for cultivation and grazing; the aiding of migration of crofters and cottars to other districts and their settlement there.

In addition the Board was to have responsibilities for developing the fishing and other industries and extending the road and communications network in the congested area.⁵

Before the Board even set to work, a number of criticisms were directed at it. They concentrated on three aspects of the new legislation. Firstly, the Board's lack of compulsory purchase powers was lamented. Most of the Highland MPs made this point in the Commons. John Galloway Weir (Ross-shire) and G.B. Clark (Caithness) both pointed to Lewis as an area where this shortcoming would be cruelly exposed. Not only was it the epitome of congestion, but the whole island was in the hands of one proprietor who, in the absence of compulsory powers, could veto any action by the Board. This, however, was to miss the point, the Government was interested in relieving congestion but in cooperation with the proprietors not at their expense. Further, they saw the Congested Districts Board (CDB) as an experiment and as such were reluctant to provide it with draconian powers.⁶ Secondly, the constitution of the board was attacked. It was to be composed of the Secretary and Under Secretary for Scotland, the Chairmen of the Crofter's Commission, the Fishery Board for Scotland, and the Local Government Board, plus not more than three other nominated members. Although these arrangements were commendable to some from the point of view of economy, it was felt by others that the Board would largely be staffed by men in different parts of the country busy with other responsibilities and

unable to give the CDB the time which was demanded by the problems which faced it.⁷ This fear proved to be well founded, and was often voiced during the Board's existence. It was pointed out that for no single member was the work of the CDB the first claim on time and money, leading to the inevitable conclusion that the Secretary for Scotland was "in reality the CDB". Such facts have led commentators to conclude that the CDB lacked executive direction. The fact that the complete membership of the Board rarely convened together for a meeting certainly hampered its ability to react quickly to situations.⁸

The third point raised concerned the fund which the CDB was to administer. Although the government announced that this would amount to £35,000 in total it was pointed out that this was not all new money for the Highlands. Following the report of the West Highlands Commission, in 1891, there was an annual vote of money to carry out the purposes outlined by that Commission. This was now to be discontinued. Lord Balfour of Burleigh explained that the £35,000 was composed of £15,000 which had been set apart for the Highlands by the Agricultural Rating Act of 1896 and that the balance was in lieu of the former Highlands and Islands vote. So, the financial aspects of the Act did not grant new money to the Highlands, rather, they consolidated the administration of existing sums already set aside. Importantly, the CDB was allowed to accumulate a surplus without prejudicing the amount of its next annual vote. This attracted criticism to the Board in its early years when it accumulated a sizeable surplus. However, this was convenient as it allowed the CDB to purchase both Glendale and Kilmuir when they came on the market almost simultaneously.⁹

There were also more general worries that the idea of aiding the congested areas through migration of the cottar population was doomed to failure through the reluctance of the people to move. This reluctance was seen by some to stem from the association in the minds of the people of migration, however beneficial, with clearance. This was an association which was never likely to prove helpful, and such worries proved to be prophetic in light of the CDB's efforts to relocate crofters over the next 15 years.¹⁰

Like the Crofter's Commission, the CDB was operating without any real precedent. Although the Act of 1897 defined the scope of their operations there were a number of grey areas. How they were to acquire land was one. Given its lack of compulsory purchase powers, the Board had to consider expedients such as advertising for land. This question led to a debate on the CDB's general policy for land acquisition. Some

members felt that the CDB was or should be limited to the crofting counties for land purchases. However there was nothing in the Act which specifically stated this, and Malcolm MacNeill, Chairman of the Local Government Board, and a man with very definite views on the Highlands, disagreed. He argued that if the CDB limited itself to the Crofting Counties it would be limiting its own chances of success. He felt that beyond the Crofting Counties there would be more scope for settlers achieving prosperity as there was a more active labour market. To create more holdings in the Highlands, where there was little demand for labour, would perpetuate the conditions which had led to congestion in the first place. A possible problem for the application of this admirable thesis was the feeling of the crofters on the idea of moving outside the crofting counties, or indeed moving anywhere. There would also be practical obstacles in the way of buying land in the lowlands, where most agricultural subjects were held under lease. What was clear was that the land to be bought did not have to be in the congested area, but the man to be aided had to come from one of the congested parishes.¹¹

Given its lack of compulsory purchase powers, the Board could not take the initiative in the land market but had to wait until a proprietor was willing to sell a piece of land. So for the first few years of its existence the CDB concentrated on its other objects, principally, the aiding of agriculture and stock breeding in the Highlands. In terms of the CDB's overall contribution it is important to examine its efforts in this regard.

As far as arable agriculture was concerned the CDB helped through the provision of a better quality of seed, new methods of combating crop diseases and an attempt to encourage vegetable growing in the congested districts. In the area of stock they provided bulls, rams and stallions to crofting townships in an effort to improve the quality of stock. This policy was successful to a degree but its ultimate success was hampered by the fundamental problem facing the CDB, the crofter's lack of quality land and capital. The former was needed to winter the CDB's animals when they were in the hands of crofters and the latter to supply them with adequate feeding. The consequence was a high rate of mortality among the sires loaned by the CDB. The problems faced were of course different in the various parts of the congested area. In Lewis the problems were chronic. Stock was of a very poor standard, due to long years of inbreeding and even the new blood introduced by the CDB failed to raise the standard greatly. Of course, this was the area where congestion was most acute, thus demonstrating the integrated nature of the problems faced by the CDB.¹²

The CDB also noted, as did the Crofters' Commission, that the arrangement of common grazings, with the prevalence of overstocking and the absence of fencing, reduced the value of crofter's stock. The more stringent provisions of the 1908 Common Grazings Act went some way to dealing with this problem. However, the crofters themselves showed a reluctance to deal with this problem through their grazings committees. The CDB tried at every opportunity to impress upon crofters the benefits to be obtained by the club stock system. In Kilmuir, which the CDB purchased in 1904, the Board was to see such problems exemplified. By 1910, six years after purchase and two years after the passing of the new Grazing Act the problems remained chronic. The grazings committee in Staffin, for example, was effectively based on the contribution of one man. He could make no progress and found that his efforts only served to engender ill feeling. Attempts were made to interest the crofters in the advantages of the club stock system, with some success. This had the advantage of generating some capital for the participants. It also had practical advantages in that the stock would be more expertly managed and disturbed far less. As a native of Kilmuir pointed out;

The Club Stock is also step towards cooperation, a principle which is so greatly needed in these parts, and should be encouraged in every possible way.¹³

It is important to note that it was not only ignorance and want of instruction that produced the low standard of agriculture in the congested districts. The shortage of good arable land made good agricultural practice, like crop rotation, difficult. It also meant that stock was rarely wintered adequately. Congestion, with its symptomatic problems of sub - division and squatting, created the conditions where overstocking became rife, leading to deterioration of the common grazings. Above all, the lack of capital among crofters in the congested areas perpetuated these problems. The crofter was always under the temptation to sell his best ewe - lambs to raise some ready cash rather than keep them for breeding. The CDB felt it was not within their power to provide crofters with loans to buy stock. They were concerned that with the fluctuating prices of stock such loans could not be adequately secured. The crofters and cottars in the congested areas rarely achieved the financial security to enable them to equip a holding properly or to take a long term view of their principal asset, i.e. their stock.¹⁴

Among the surveys of the work of the CDB there has been a tendency to compartmentalise its functions into neat categories, land settlement, improvement of agriculture, improvement of communications, etc. This short survey of the work of the CDB in the area of agricultural improvement demonstrates that such an exercise fails to convey the connections between the apparently diverse problems which faced the CDB.¹⁵

II

Although no major opportunities for large scale land purchases presented themselves to the CDB, they endeavoured not to neglect their duty of creating new holdings. 1898 and 1899 saw the completion of a small holdings scheme on privately owned land in North Uist. In cooperation with Sir Arthur Cambell Orde, the proprietor, 34 new holdings were created at Sollas and Grenitote, and the vacated land was redistributed. Care was taken to relieve the most crowded townships and the protection of the Crofter's Act was extended to the new tenants on the condition that they paid their rents and kept up to date with the repayment of the CDB's loan for the equipment of the holdings. A similar scheme was developed on the Atlantic shore of Harris.¹⁶ Macleod of Macleod prepared a scheme on one of his farms in Skye at Bay. He proposed to create 5 large crofts of £20 each, but complained to the CDB that there was little interest in his offer. The CDB felt that he had provided insufficient information and that the offer of such large holdings was too ambitious. The CDB offered to reshape the scheme and to help with details like access roads.¹⁷ This scheme is of interest due to the large size of the holdings on offer. The CDB had stated in its first report that it was their intention to create holdings which would provide the complete livelihood of the holder without any ancillary occupation.¹⁸ The failure of the initial Bay scheme to attract any interest was one of the first instances where the CDB's preferred policy foundered on the lack of interest and economic problems of the crofting community. Over the course of its existence the outlook of the CDB seemed to be often at odds with that of the crofters.

For the first few years of its existence, down to 1904 and the major purchases of Kilmuir and Glendale, the CDB was heavily criticised for its perceived failure to act. It was attacked for its inefficiency and its lack of contact with the people, especially on the mainland, as most of its activities had been concentrated in the islands. By 1903 such criticism was being echoed within the Scottish Office. The new Under Secretary for Scotland, Reginald MacLeod, argued;

Can we in the sixth year of our work command continued public support unless we can show on of two things; either that the income with which we are entrusted is spent and well spent; or that every means of encouraging local activity has been tried and failed.¹⁹

However, the next year did see some progress. The Board was engaged in serious negotiations to purchase the estates of Kilmuir and Glendale in Skye. In addition, the Duke of Argyll offered them his Ross of Mull Estate for £60,000. An offer which they refused due to the impending purchases in Skye. These purchases were an important breakthrough for the CDB. They could at last claim to be fulfilling the objects for which it was created, and for a brief period enjoyed an enhanced reputation.²⁰

Before going on to examine developments on the land which formed the major purchases of the CDB, it is interesting to note another instance where the CDB's efforts to provide aid to a crofting community did not provoke a favourable response from that community. The township of Sconser lay on the shores of Loch Sligachan in Skye, and was backed by the mountainous region of the Island known as Lord Macdonald's Forest. There had been an ongoing dispute between the crofters and Lord MacDonald concerning the right of the township to keep sheep. The estate was concerned about the animals encroaching on the deer forest and the crofters in turn complained of the deer damaging their crops. When the Crofter's Commission had tried to enforce the 1891 Grazings Act in respect of the overstock of sheep, a deforcement occurred and the township came to the prominent attention of the country and the government. The preferred solution of the estate was to move the crofters to other lands at Suishnish and Borreraig. Some authors have interpreted this as a cynical attempt by the estate to extend the deer forest at the crofter's expense. Others have presented the ultimate solution, the provision by the estate of a march fence between the deer forest and the township, as ideal.²¹ It is clear that Sconser was the scene of some of the worst social conditions in the Highlands. The Under Secretary for Scotland enumerated the advantages of a move;

The place is unhealthy. The holdings are too small, and for every reason it is better that they should be transferred bodily to other lands. The estate is willing to make over to them the lands at Suishnish and Borreraig which there is every reason to believe are amply sufficient for their wants.²²

The Crofter's Commission held a special sitting at Sconser to attempt to persuade the crofters to accept the move. Sheriff Brand reminded the Sconser crofters of the frequent outbreaks of fever in the township. He pointed out that they would have the right to keep sheep, have more arable land, more and better hill pasture, access to fishing grounds, and retention of all their crofting rights at Suishnish and Borreraig. Despite these advantages Brand had to report back that;

it is beyond doubt that the prevailing tone of the meeting was against the proposed migration. No one present intimated any assent to the scheme, or suggested further consideration of the same, or inquiry as to the lands of Suishnish and Borraig.²³

Many reasons have been suggested for the failure of these crofters to take advantage of such an apparently generous offer. It was certainly the case that Suishnish and Borreraig were less accessible than Sconser and the coastline was rocky in the extreme, as the crofters claimed. Some of the Sconser people may have been unwilling to give up their ancillary employment as mountain guides for the nearby Sligachan Hotel. Further, the attitude of the estate and the CDB in making the offer public before the crofters knew the details did not help to secure their co - operation. In addition, Suishnish and Borreraig had been the site of a notorious forced emigration and clearance in the early 1850s and as a result the crofters regarded the lands as impossible of profitable occupancy. However, Dugald MacLachlan, the Portree solicitor acting for the Sconser crofters, made an important point when he informed Lord Balfour of the "unspeakable tenacity with which people like them cling to their native locality".²⁴

This episode is important for the pointers it provides as to the likely success of the CDB's key policy of migration. The Board would be unable to do anything to relieve congestion on a meaningful scale if it could not persuade the people of the congested areas to migrate. Sconser, as J.P. Day has noted, was the "first and only serious effort made by the Board to migrate the people" and it was a complete failure. If the CDB could not succeed in enticing crofters away from a fever ridden congested township to land which had been a substantial grazing property on very liberal conditions, there could be little hope for the policy of migration. Sconser provides another example of crofters reacting negatively to a central policy of the CDB, apparently to their own detriment. It is perverse to argue, as a more recent author has, that these events at Sconser represented a "mighty" victory for "the common people".²⁵ It represented a defeat for the CDB which was engaged in

reasonable efforts to relieve congestion, poverty, and in the case of Sconser, squalor, in the Highlands. One commentator argued that the CDB had been "balked by the backwardness and immobility of those whom they wished to help". Moreover, a defeat which left the Board chastened and pessimistic about its potential for successfully carrying out its stated objects.²⁶

Existing evidence adds to the complexity of this question. There were in this period, and before, examples of crofters expressing a desire to migrate from their present holdings. In 1890 the Crofter's Commission had received a petition from the inhabitants of the district of Kyles Stockinish on the east coast of Harris, expressing a desire to move to the west coast of the Island. The Commission had no powers to give effect to such a move, regardless of its sympathy with the undoubted poverty of those involved. In 1906 crofters and cottars from Bruenish in Lewis applied to the CDB to be relocated. The Board has come under criticism for the tardiness of its response. However there was the question of where to move them to. The proprietor of Lewis, Major Matheson, offered the farm of Dalbeg, but on enquiry the CDB found that it would not be sufficient for the required number of self sustaining holdings. The CDB was of the opinion the "it would be most unwise to increase the number of miserable 25/- holdings that are so plentiful in Lewis". They concluded that the benefit to be gained did not justify the intervention.²⁷

In 1900 the CDB acquired the option to buy one of the Duke of Sutherland's best grazing farms, Syre in Strathnaver. The CDB felt that only 12,000 of the 30,000 acre farm was suitable for small holdings. The Duke asked for the sum of £10,000 for this land, including the shooting rights. The principal obstacle in the way of this highly desirable transaction was familiar, the crofters did not have sufficient capital to take over the sheep stock on the farm. After some delay the land was purchased and some 29 holdings were set up with the tenants purchasing from the CDB.²⁸ However, even the history of this transaction does not proceed according to the plans of the CDB. By 1907 the settlers were petitioning the government (by then Liberal) to be allowed to return to the position of tenants. They complained of the smallness of their holdings, the heavy purchase annuity and the heavy rating burdens consequent on ownership. There was also a political element to the demand. The government was in the process of trying to pass the Small Landholders (Scotland) Bill which was predicated on the basis of tenancy and not ownership. The petition was repeated in

1909. On both occasions the government declined to entertain the requests of the settlers. But in 1911 the CDB recorded in their annual report that a third petition had been received. The request was granted and the Syre settlers returned to the position of tenants. By then the Small Landholders (Scotland) Act had been passed and the government were in a better position to grant such a request.²⁹

The political context of these events will be discussed below in greater detail with reference to the Board's activities in Skye and the Southern Hebrides. It is important to note at this point that the Syre crofters did not become unsettled until the change of government in 1906 and the consequent change of policy. In different circumstances Syre may have become a model CDB property, especially as it was reported in 1908 that the agricultural situation was promising.³⁰ Outside the realms of speculation the experience at Syre must be recorded as a failure of the CDBs policy of land purchase.

On this evidence the record of the CDB in applying its policies does not appear attractive. The experience at Bay had suggested that large, potentially self-sustaining holdings were beyond the means and desires of crofters. The events at Sconser had exposed major problems with the key policy of migration, and the history of the Syre settlement from 1902 to 1912 hints that crofter support for the concept of land purchase was soft and could be easily eroded in changing political circumstances. It was essentially problems with the policy of migration which led to a reassessment of the latitude of the CDB in 1910. Because the policy of migration was inoperative by that time any purchase outside the congested area, like Seafielde farm in Easter Ross which was purchased in that year, was useless to the Board because it was located in the parish of Fearn which was not congested. Consequently, the CDB could not use its money to aid the inhabitants of that parish. The result of these and other considerations was that all the crofting parishes were also declared congested. It was hoped that this would give the CDB "much more of a free hand".³¹

III

One of the main arenas of the CDB's activities was the Southern hebridean estate of Lady Gordon Cathcart. They had seen most of the themes of Highland history in the second half of the 19th century. The area had achieved notoriety in the period of her infamous father-in-law, Colonel John Gordon of Cluny following his acquisition of the estate from the MacNeills of Barra in the 1840s. Lady Gordon Cathcart was a

proprietor of note herself. Although she rarely visited her long Island properties she held very definite views as to their administration. The controversies surrounding the visit of the Crofter's Commission to South Uist in 1888, and the trouble which ensued when she attempted to enforce the provisions of the 1886 Act prohibiting subdivision have already been noted.

Lady Gordon Cathcart's estate management had long been criticised by the crofter's movement. But such criticisms received a polite echo from the Crofter's Commission in 1902. They noted that in comparison to Arthur Campbell Ord's North Uist estate, no new holdings had been formed in South Uist since 1886. They commented on the "deplorable state of congestion" and the fact that the estate always "strenuously opposed" enlargement applications. South Uist was plagued by cottars to a large extent. By 1902 there were 227 with over £2000 worth of stock, and all the attending squalor.³² It was such facts, equally applicable to other parts of the estate which led to it becoming the focus of a further phase of crofter agitation from 1901 to 1909. There seems to have been a certain amount of loyalty and respect for Lady Gordon Cathcart herself. Whether this was merely good politics on the part of the crofters, who knew their demands for more land could only be met by her, is unclear. The Commission were well aware that the proprietor was the key actor when they stated;

The congestion on her ladyship's estates is ... very serious , and we may be permitted to express the hope that wiser counsels may lead to its removal by well considered assignments of land to crofters and others, without the application of any drastic remedy.³³

Lady Gordon Cathcart also held substantial lands on the east coast of Scotland, and was keen to apply some of the lessons from that area to her Hebridean estates. In particular, she believed that the exclusive pursuit of crofting by the people was a recipe for disaster, and that the ideal method of containing congestion was to provide small holdings for fishermen who would obtain their principle livelihood from the sea and not the land, as her east coast tenants did. In pursuit of this condition she had granted land in 1883 in the vicinity of Castlebay on Barra, at Bentangaval and Garrygall, for small fishermen's holdings. These settlements were less than conspicuous successes. Their prosperity was heavily exposed to the many and varied fluctuations in the fishing industry.³⁴ The exercise was not repeated and by the turn of the century the problem of congestion on Barra was chronic. The estate had found it almost impossible to combat the problems of squatting and subdivision. The

tenants on Barra were becoming discontented, as they had been in the 1880s. Their dissatisfaction achieved expression in September 1900 when cottars raided the farm of Northbay. They claimed that they had petitioned the proprietor for more land without success and that the raid was the only course left open to them.

The farm of Northbay and its tenants were themselves interesting and could not easily be fitted into the customary rhetoric against an alien farming class. It was tenanted by two brothers named MacGillivray who had been born and brought up on the island. Indeed Lady Gordon Cathcart's agents, the Edinburgh law firm of Skene Edwards and Garson, described them as "two men of the crofter class who have been energetic and prudent beyond their fellows"³⁵. The unusual factor in this situation was the close personal relationship between Lord Balfour, the Scottish Secretary and Lady Gordon Cathcart. This allowed Lord Balfour to make an enquiry in January 1901 as to whether the proprietor would consider a proposal by the CDB to purchase land in Barra to enable some attempt to be made to relieve the crofters of the cottar burden. He made it clear that the CDB would purchase the land at fair value and no risk would fall on the estate. Her initial reaction was that such a course of action would only provide temporary relief and in the long run would be "suicidal". However, by February in view of the "strongly and repeatedly expressed wish of the CDB" she agreed to sell "with misgivings" the whole of the farms of Eoligarry, Grean and Cliat, Ardveenish and Northbay to the CDB, at an asking price of £15,000.³⁶

This arrangement was ideal in principle as the lands formed a self contained unit in the north of the island which could be easily divided and administered as a whole. A problem arose when the MacGillivrays proved unwilling to vacate their farm to facilitate the deal. Their reasons were curiously reminiscent of crofter rhetoric. They argued that as they had spent all their lives there, they were attached to the place and unwilling to leave it. They went on to demand other land in compensation if they were to be moved, or alternatively they enquired whether Lady Gordon Cathcart would be willing to sell the lands in question to them. In the event the farm of Eoligarry was divided between the CDB and the MacGillivrays, and in addition the CDB purchased the farm of Northbay making a total price of £7,500.³⁷

The whole transaction was a highly unsettling influence on cottars throughout Barra. The news that the CDB was to purchase land in Barra created high expectations. Rumours circulated that the CDB had not been successful in its attempt to purchase. The cottars around Castlebay were disappointed that the CDB was not attempting to buy lands on the adjacent island of Vatersay which they had coveted ever since the Deer Forest Commissioners had scheduled them. A further problem was that once the CDB had actually secured purchase the earliest date of entry which they could negotiate was Martinmas 1901. This necessitated the arrangement of potato land to keep the cottars in the interim period. This mixture of expectation, rumour, disappointment and delay led to further land raids at Eoligarra and Vatersay in February and April 1901.³⁸

Once the details had been concluded the CDB divided the land into 25 crofter holdings and 33 smaller fishermens holdings. The number of applicants exceeded the number of holdings and selection had to proceed on the basis of favouring cottars for the larger holdings and making judgments about those with experience or interest in the fishing industry for the others. This arrangement in itself caused disappointment among the cottars. They had expected that 120 holdings would be created, and were disappointed that the CDB appeared to be favouring applicants with capital. The CDB felt that capital was necessary for securing the loans they were to advance for the construction of improved houses, and for paying for stock.³⁹ This provides another example of the familiar problem which the CDB faced. They were unable to reach out to the very poorest class in the congested districts because they lacked capital. Essentially, any settlement provided by the CDB was a partnership, with the CDB procuring and passing on the land and providing money for housing and other equipment. On the other hand the settler, who was most often a former landless cottar, had to provide all the items for which the CDB felt they could not make secure advances, principally stock, without which the holding would be worthless. Despite this, the CDB have been accused of creating too many small and potentially unviable holdings in this settlement.⁴⁰

The CDB was keen to see the settlement managed along efficient lines. They made clear to the new settlers the absolute importance of adhering to the soumings, no overstocking was to be tolerated. Sheriff Brand, a member of the CDB by virtue of his position on the Crofter's Commission, made a personal appearance at Castlebay to press home these and other points, including the prescription that all houses should be completed by April 1904 on pain of removal. The CDB appreciated the importance of ensuring that the cottar houses vacated by the settlers should be

demolished. If this was not done other cottars would take possession of them and the cycle of squatting and congestion would begin again, nullifying the work which the CDB had expended so much time and money on. The government took this task so seriously that they claimed they were prepared to spend £100 to fight each case of seizure to establish the principle.⁴¹

In the light of the preceding discussion of the CDB's experience with their settlement in Sutherland it is useful to compare and contrast the history of the Barra settlement which was purchased in the same period but which was located in the heart of the congested area.

By 1904 it was reported that the progress being made in the townships of Grean and Cliat, in the west of the CDB's land, was satisfactory. On the east side at Ardveenish and Northbay the progress, particularly in the area of housing, was slow. The settlers here had little capital and the fishing industry had not proved remunerative. Further, there were signs that the structure of local grazing committees and constables which had been set up to manage the common land was incapable of enforcing the rules concerning soumings, subdivision and squatting. By the latter part of 1905 it had become necessary to issue formal letters to those who were behind with house building. In a similar fashion to Syre, 1907 1908 and 1909 saw petitions from the settlers in Barra to return to the position of tenants. Changing political circumstances, awareness of the proceedings on other CDB estates and an initial miscalculation, or lack of awareness of what was involved in the purchase scheme combined to produce this eventuality.⁴²

A factor which was present in the Barra situation which had been absent at Syre was the ongoing problem of congestion in the immediate vicinity of the CDB settlement. The CDB land manager reported an alarming increase in squatting in Barra, with the customary appalling housing conditions in attendance. This was proving to be a problem with which the estate could not cope. The CDB could see little way to ease the situation as the cottars possessed no means. Land raids recurred in the northern part of Barra in March 1909.⁴³

This pattern of events would seem to confirm the worst fears of Lady Gordon Cathcart when she warned the CDB that the settlement would not prove a successful experiment in dealing with the cottar question. She had warned then, and repeated the warning on many other occasions in her frequent dealings with the CDB;

I am profoundly impressed with the view that it would be a social and economic mistake to add to the number of crofter holdings in Barra.

She felt that the tendency for the children of crofters to stay at home indefinitely with no secure occupation was the source of the congestion on her estates. They settled on a portion of their parent's croft or squatted on the common grazing. They learnt no trade or skill, became imbued with the habits of indolence and were generally a detrimental influence on all those around them. In her view temporary migration, to the east coast fishing or for agricultural or industrial work in the lowlands was insufficient. Such migration represented an attempt by Highlanders to strengthen their position on the land by increasing their income. It did not represent a rejection of crofting life. In this regard she cooperated with the CDB in a scheme of industrial and domestic training for boys and girls from crofter families in the hope that they would be drawn away from the congested areas. This was certainly a worthy scheme but it was not conducted on a large enough scale to have sufficient impact on the inhabitants of the congested areas to reduce the problem of congestion.⁴⁴

The policy of the CDB towards the end of its existence of allowing its settlers to return to tenancy was certainly not consistent with its earlier actions and could be interpreted as an admission of failure. It should be recognised of course that by this time it was operating under a Liberal government committed to the idea of tenancy and hostile to the concept of land purchase. Further, a government which had made repeated legislative efforts to have the CDB abolished, efforts which were eventually successful with the passage of the Small Landholders (Scotland) Act in 1911. Like the Crofters' Commission, the CDB was living on borrowed time from 1906 and it felt that to pursue its former policy which had now been superseded would be anachronistic.⁴⁵

There were also other more practical reasons why the settlers at Barra and Syre should be allowed to return to a tenancy arrangement. The two settlements were showing heavy arrears on the purchase annuities and other monies which had been advanced to them. By 1907 the Syre settlement was showing arrears of £439 12s 1d, out of a total amount due up to that date of £2093 7s 1d. The figures for Barra were arrears of £313 19s 5d from a total amount due of only £864 15s 4d.⁴⁶ Under the purchase scheme there was little that could be done to rectify this situation.

Forfeiture of the holding was the only course open to the CDB. Under the Crofters' Act, the Commission could be brought in to revise the rents and arrears. It was also felt that the CDB's insistence that the settlers build a stone and lime house immediately, was too onerous. If the settlers were allowed to temporarily live in a house of the old type until they became established, more progress could be expected. In addition, the CDB was of the opinion that tenancy would lead to better management of the common grazings. Above all, by 1911 it was abundantly clear that the settlers, whether through inability or unwillingness, could not keep up with all the payments expected of them. This again substantiates the premise that the CDB's policy of purchase was difficult to apply in an area so short of capital as the congested districts.⁴⁷

The CDB was later to become embroiled in controversy surrounding its activities in Kilmuir and Vatersay, but the purchase which could be described as a textbook operation was that of the Glendale estate in the north east of Skye. This estate was purchased in 1904. Like Kilmuir and Barra it had seen the heights of the crofter's agitation in the 1880s. Glendale had first attracted the attention of the CDB in 1898 and again in 1901. On these occasions it was felt that it contained no land which could be used for new crofter holdings. It did contain a substantial sheep farm which could be used for extra grazing or for other purposes. Sheriff Brand felt that if the purchase was of the whole estate it would not be useful to the Board. The crofters would be unlikely to be interested in becoming purchasers of their existing holdings and as he pointed out the CDB had at that time no powers to act as landlords of existing holdings. Prophetically, he argued that to contemplate such a role for the CDB would be to "enter upon a sea of embarrassment". However, political pressure was such that the CDB could not afford to pass up such an opportunity. The estate was purchased in December 1903, for £15,000.⁴⁸ The lands purchased amounted to 20,000 acres, of which about half was in the possession of crofters and the remainder used as grazing for a stock of 2,200 black face sheep. The farm was valued at £350, which the Crofter's Commission considered to be excessive, and suggested that £250 would be a fairer figure. Nevertheless, this was clearly a desirable property with good ground and a fine flock of sheep, and it was important that it should be utilised as part of the scheme.⁴⁹

After meeting the tenants at Glendale it was decided that the CDB should offer to each of them the opportunity of purchasing the holding he already rented, plus a share in the grazing farm which would be operated as a club farm. It was reported that the people "appeared thoroughly to understand the advantages of the purchase

system". The scheme was completed in 1907 when 131 crofters became owner occupiers holding a share in the club farm, which in 1906 had yielded the sum of £3 7s 4d to each participant.⁵⁰

The subsequent history of the Glendale settlement is different from the others which have been considered. The purchase scheme was clearly conceived from the outset and the transaction of acquiring the estate and selling the holdings to the crofters was expedited quickly and efficiently. There were none of the complications with stock as at Syre or with competing purchasers as in Barra. A further distinction between Glendale and Barra was that in the former case the CDB was dealing with established crofters and not landless cottars. This is not to claim that the people of Glendale were unduly prosperous, the customary insanitary dwellings existed there as well. Nevertheless, the number of cottars on the estate was small. The consensus of the crofters and the Board was established from an early date. Perhaps the lessons of Sconser had been learnt in regard to keeping the crofters scrupulously and exclusively informed.⁵¹ It has been argued that the distinctive factor which made the purchase scheme attractive in Glendale was that it "was the undisputed stronghold of antilandlordism".⁵² Aside from the issue as to whether this is a justifiable epithet, it would seem to be peripheral to the real issues at stake. What was more important are the facts that there was not an entrenched tradition of squatting and subdivision on the estate and secondly, the existence of a profit making scheme adjacent to the holdings, i.e the club stock. We have seen how the paucity of crofter's capital and the burden of the cottars had hampered the development of other CDB schemes. The profits from the sheep stock, although they were never luxurious and although they fluctuated with the markets, did at least provide a small income which could help pay off the purchase annuity. These factors helped to ensure that the Glendale settlers remained as owners when others returned to the position of tenancy.⁵³ Those concerned with a more ecological approach to the history of the congested area have argued that the CDB acted "without much commonsense" in regard to Glendale;

The fault lay in imagining that a group of 147 crofters would be able to manage a large pastoral estate, a task for which a landowner usually employs a fully qualified factor.⁵⁴

Although the Crofter's Commission returned to Glendale in 1908 to draw up grazing regulations for the common grazings on the estate and for the operation of the club farm, this accusation does have some force. The CDB were certainly short staffed as far as factoring duties were concerned. They only had one full time official, Angus MacKintosh their land manager, who had to oversee the management of all the CDB's properties from his base at Uig on the Kilmuir estate in north Skye.⁵⁵ It is interesting to note at this point that the Board thought carefully before MacKintosh was appointed. They were reluctant to have an employee who would be known as a "factor". As Angus Sutherland reminded his fellow Board members the factor was "not a popular personage in the Highlands". There were also worries that having such a person on hand would dilute the self help element of the CDB's endeavours. MacKintosh felt by 1907 that he could not do his work properly as long as he was based at Kilmuir and labelled as a "factor", and in that year his residence was moved to Edinburgh.⁵⁶

IV

The island of Lewis was the epitome of all the evils the CDB was supposed to combat; congestion, subdivision, poor agricultural practice and bad housing conditions. When it was formed it was confidently predicted that, through its lack of compulsory purchase powers, the CDB would have no impact on Lewis. The proprietor of the island, Major Matheson was held up as a prime example of an obstructive landlord who would not cooperate with the Board. This was a particularly important concern as Lewis was one of the most congested areas in the Highlands. The problems on Lewis were quantitatively and qualitatively different. The island had contributed almost the whole of the increase in the crofting counties rural population over the 19th Century. The rate of increase from the 1890s did show some signs of slowing down. If 227 cottars had been considered problematic in South Uist the scale of the congestion on Lewis can be gauged by the estimated figure of over 1000 cottars. There was also a structural aspect to this problem as the Crofter's Commission noted in 1902;

Elsewhere in the Highlands, enlargement of holdings affords at least partial, possibly in some cases full relief. In Lewis on the other hand, the congestion of the crofter townships is such that enlargement under the Crofter's Act, even if it were competent to any material extent will not meet the requirements of the situation.⁵⁷

There simply was insufficient land to settle cottars and create new holdings. According to the Crofter's¹ Commission, migration or emigration were the only possible solutions. Nevertheless, there were over 70,000 acres of deer forest and well over 50,000 acres of farmland on the island. Much of the deer forest land was unsuitable for occupation and the Deer Forest Commission could only find 35,000 acres, almost all of it pasture, to schedule for the extension of crofting. They commented;

... that were the whole forest and farm lands in the Island of Lewis made available for crofters in some form or another, this step, while it might allay or mitigate the more serious evils arising from the existing condition of matters, would not effect a permanent remedy.⁵⁸

The endemic congestion on Lewis both strained the capacity of the local authority to provide services and made it extremely difficult for them to raise the revenue for them to do so. The smallness and low rateable value of most of the holdings contributed to this problem. However, it was exacerbated by the number of squatters and cottars whose property did not appear on the valuation roll. They paid no rates but received all the services paid for by ratepayers.⁵⁹ In 1902 the CDB set up a Local Committee to examine the conditions of the various industries, social conditions, and structure of land occupation. Matheson responded by pointing out that he was not unsympathetic to the idea of such a committee making some recommendations but that they should remember that it was his property they were dealing with. His outlook was similar to that of Lady Gordon Cathcart, and there is evidence that he was directly influenced by her thoughts. He argued in December 1902;

My own opinion is very decided, that an extension of the crofting system by making new crofts is a mistake. If one or two farms could be divided not into crofts (which means fishing and crofting) but into self sustaining holdings, that is little farms on which a man could live without fishing, of say 20 or 30 or even 40 acres, there would be some good done.⁶⁰

By 1903 Matheson had come to the conclusion that self sustaining holdings "are not a success in the hebrides". He encountered similar obstacles to the CDB in this regard, namely, the fact that landless cottars did not have the capital, expertise or motivation to make the transition to such holdings. However, Matheson did offer the

farms of Aignish and Mangersta, where, in cooperation with the CDB, 45 crofts were formed. At Battery Park near Stornaway 29 fishermens holdings were established.⁶¹ However, these efforts were insufficient to prevent land raids taking place at Croir on Bernera in 1901, and at Dalbeg in 1909. In addition the settlement at Battery Park was a failure, as by 1911 the settlers asked for new holdings elsewhere. They pointed out the smallness of their holdings and the fact that the prosperity of the fishing industry had been destroyed by the advent of steam trawling.⁶²

It is evident that the CDB's failure to make a substantial impact on the problems in Lewis are accountable to more complex forces than simple proprietorial opposition. The very scale and depth of the congestion ensured that the usual problem faced by the Board, lack of capital in the cottar community, was magnified in Lewis. There was also a linked physical and social problem for the CDB to contend with. There was a distinct lack of available land in Lewis for the extension of crofter holdings. Certainly there were farms which theoretically could have been divided, however, to do so on a large scale would not have been wise. Such farms were a repository of agricultural knowledge invaluable in a predominantly crofting community. However, the social aspect of this problem should not be neglected. The CDB could have purchased land elsewhere in the Highlands for the Lewis cottars to migrate to. Indeed, they considered using the farm of Seafield in Easter Ross, purchased in 1910, for this purpose. In reality, the much publicised, and undoubtedly real, reluctance of the crofters to migrate militated against such an undertaking. Before 1910 the problem was exacerbated by the difficulty of finding somewhere to relocate them to. The consequences of trying to settle them on the Board's land in Skye were too great for the CDB to contemplate, given the disturbed state of the natives of these areas from 1906 to 1910.⁶³ Simplistic accusations of the CDB's inadequacy to breach proprietorial indifference or opposition to their plans seriously underestimates the integrated nature of the problems of the congested areas. The complexity was such to bring the problems to the verge of intractability given the conception of the problem by the Conservative government which established the CDB.

V

A pertinent consideration for any government body in this period was that of economy. It is necessary to briefly examine the CDB from this point of view. The fact that it was largely composed of ex - officio members who drew their salaries from elsewhere obviously reduced its expenditure. In addition its Secretary was shared with the Exchequer department, again in the interests of economy. Despite these considerations the Board has been criticised for being profligate in its administrative expenses.⁶⁴ However, this was not a consideration which was a concern of those involved in the running of the board. It was noted in 1903 that the Scottish Board spent much less in this regard than its Irish counterpart and that "with good cause shown we might spend more without excess". Considering these points, it does not seem justifiable to criticise the Board for being an unduly heavy burden on the public purse.⁶⁵

It is useful to compare the Scottish CDB with its Irish counterpart, which dated from 1891. There were similarities in that the Irish Board was also largely composed of supernumerary officials. It had, however, a much larger income than the Scottish Board, receiving £41,000 per annum initially, eventually rising to £231,000 after 1909. The Scottish figure remained static at £35,000. As with its income, the powers of the Irish Board steadily increased. Under the 1891 Act, its powers were for aiding and developing agriculture only. Throughout its existence, down to 1923, this remained an important facet of its work. Inspectors and instructors were sent out to help improve agricultural practice in the congested areas. The success rate was considered to be high, especially in the poorest areas, like Connemara. The same could not be said for the Scottish Board's influence in Lewis, perhaps the poorest area for which it had responsibility. The Birrell Act of 1909 made the CDB a corporate body with compulsory powers of purchase. The frequent changes in the legislation covering the Irish Board was problematic in that time consuming procedural changes reduced its effective working life. There was a qualitative difference with the Scottish situation, in that in Ireland the policy debate was largely settled on the side of land purchase at an early date. In Scotland after 1906, the terms of the debate changed and the CDB operated with the knowledge that its abolition was imminent and the objective for which it was constituted superseded. Perhaps the principle difference was that in Ireland the policy of migration was successful, whereas in Scotland the crofters could not be persuaded to migrate or purchase. The

Irish Board had greater powers to cajole, and eventually compel, landlords to sell land than the Scottish Board.⁶⁶ The Irish Boards efforts were aided by the fact that it persuaded the small holders to espouse the doctrine of cooperation. Despite Irish opinion that the crofter would benefit greatly from cooperation and was well suited to its practice, this line of policy was never consolidated.⁶⁷

VI

From the evidence of the CDB's first phase of operation under Conservative governments its record is not wholly convincing. Its key policy of migration was unsuccessful. This reduced the Board's impact in the most congested districts of the Highlands where relief could not be found close at hand, principally Lewis. The Board also found that the ~~weakness~~ of the crofting economy, particularly the chronic lack of capital among crofters, proved an obstacle to its purchase proposals. Lands were purchased, but through a combination of economic and political calculation, the crofters declined to fully grasp the opportunity before them. Glendale was the exception to this trend. It was the distinctive feature of the structure of this estate and the opportunities it presented for capital returns, which allowed it to develop differently from other settlements in Barra and Sutherland.

The Board, nevertheless, does deserve some credit for its important attempts to raise the quality of stock and the standard of agriculture in the Highlands. However, here as well, the Board came up against the undercapitalised nature of the economy. This prevented the crofter from undertaking long term development programmes for stock, which would involve an initial loss of revenue. This demonstrates that there was a general problem faced by the CDB across the range of its efforts.

The CDB has been accused of acting "opportunistically or responsively rather than on the basis of a grand design or development strategy".⁶⁸ This point has some validity, but it sits uneasily beside the view of another geographer who argues "the 1897 Act was the first integrated development plan in the Highlands and Islands".⁶⁹ Another writer disagrees, and attempts to place the CDB in the context of economic development proposals since the 18th century and the schemes to administer the estates annexed in the wake of the Jacobite risings of 1715 and 1745.⁷⁰ Two points can be made here. Firstly a grand design may have been inappropriate as the Board encountered a multitude of differing local conditions. Secondly, to discuss the CDB in such conceptual terms is to miss the point. The CDB's objectives were as much political as social or economic, in this area the comparison with the Annexed Estates

Board is most valid. The implicit aim of creating a class of small proprietors was probably over-ambitious given the funding available to the Board. Nevertheless, an awareness of the political context of the CDB's operations is fundamental. Its political aim remained unfulfilled. Not only was this a failure of scale, but also of ideology, with crofter interest in purchase failing to develop. The full implications of the ideological element of this failure became apparent at the General Election of 1906 when the Liberals swept the crofting counties. The consequences of this Liberal victory for the Highlands, both on the ground and in Parliament will be examined in the subsequent chapters.

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CHAPTER FIVE.

The Liberal Government and The Congested Districts Board, 1906 to 1912.

As the Secretary for Scotland was Chairman of the Congested Districts Board (CDB) his political complexion and the policy of his party could have a definitive effect on the CDB, despite the statutory provisions which governed its operations. The advent of a radical Liberal Government in 1906 was a turning point in the history of the CDB. The new Prime Minister, Henry Campbell Bannerman, appointed his close political associate of many years standing, John Sinclair, to the office of Secretary for Scotland. This government expressed a vague, but apparently radical, commitment to a measure of land reform early in its life. The Bill which eventually emerged from this commitment in 1906, rejected the idea of land purchase and espoused a strengthened and extended version of the dual ownership principle which had been behind the Crofter's Holdings (Scotland) Act of 1886.¹ This created a potential inconsistency. While the government was trying to legislate on one principle, it had inherited an institution and responsibilities with entirely different objects. The inconsistency was accentuated when serious difficulties were encountered in passing the Small Landholders (Scotland) Bill. With the problems of obstruction from the House of Lords and the government's inability to adapt to changing circumstances and demands from the crofting counties, the Act did not receive Royal Assent until 1911.

I

The CDB had acquired the celebrated estate of Kilmuir in North Skye in 1904. Known as the "granary of Skye" it was recognised as agriculturally one of the best on the island. It had seen the heights of the "Crofter's War" in the 1880s. Under the proprietorship of Colonel William Fraser from 1855 to 1892, it had become notorious for rack renting. The CDB paid £80,000 for the estate which extended to 45,337 acres. Entry was to be at Whitsunday 1904 and the CDB were to take over the existing sheep stock at valuation. 4,000 acres on the estate were in the possession of some 450 crofters with the remainder including 8 farms of varying sizes, six of which were under leases which expired over the period 1906 to 1911.²

The CDB's land manager, Angus Mackintosh, was in favour of conceiving a comprehensive plan for the whole estate at the outset, rather than conducting divisions in a piecemeal fashion as the various farm leases fell in. Most of the farms were principally of use for grazing with very little land suitable for cultivation. Further, it was noted that the crofter's holdings were chronically short of grazing land. He presented a scheme for the extension of the crofter's grazings using the suitable portions of the farms as they became available. In addition, the farms of Monkstadt and Flodigarry were to be broken up, creating 25 new crofter holdings.³

However, before details like these could be settled, major problems had to be faced. The first of these was what to do about the outstanding arrears. These amounted to £4463 19s 7d. Only 101 crofters out of a total of 450 were not in arrears. The outlook for the recovery of these arrears was not promising. Of those hopelessly in arrear, mostly aged or otherwise disadvantaged people, it would serve no constructive purpose to pauperise them by turning them out of their holdings. Of those in arrear who could be expected to pay some money it was felt that the dissent would multiply the Board's problems. The only method of recovering such debts was to have the assets of the indebted crofter sold by order of the Sheriff court, an action which would cripple the crofter's economic prospects. The only viable course of action was for the Crofter's Commission to undertake a complete revaluation of the whole estate. The Commission had visited Kilmuir in 1887 and if the reduced rents and arrears ordered to be paid then had been firmly pressed for by the estate management the bulk of the outstanding money would probably have been recovered. The prevailing opinion on the estate, that no crofter would be called upon to pay his arrears, was difficult to combat without causing alienation against the CDB, clearly not a situation which would help the Board so early in its proprietorship.⁴ These difficulties were yet another manifestation of the problem which had faced the CDB so often already; the crofter's vulnerability created by his lack of capital.

This was largely the position which had been reached when the government changed in December 1905. More months were lost with the general election and the proper establishment of the Liberal Government in January and February 1906. However, the principal cause of the increasingly noticeable delay in arranging matters in Kilmuir was the attitude of the crofters to the idea of purchasing their holdings. The delay led to MPs from Highland constituencies putting pressure on the Government

to show some progress at Kilmuir. This added to the CDB's exasperation with the crofter's lukewarm attitude to the purchase scheme. The Secretary of the Board reported to Sheriff Brand in May 1906, that this pressure was growing and that the least the Board could do would be to publish some information and offer the new holdings and extensions of grazing;

This would at any rate make it clear that that it is not the fault of the CDB that a settlement is not made, while if Kilmuir men will not negotiate others from elsewhere might be willing to do so.⁵

The next stage in the CDB's efforts concerning Kilmuir was to begin a concerted effort to persuade the crofters of the advantages of the purchase scheme. There would certainly come a time when this effort was abandoned but initially at least an attempt was made, despite the Small Landholders (Scotland) Bill, which was published in the autumn of 1906 and which itself repudiated purchase.

The first argument used by the crofters to circumvent the purchase scheme was to claim that their rents were too high. This was important because the purchase terms offered were calculated on a specified number of years purchase of the rental. This claim was generally considered to have some validity and the CDB pointed out that it would not stand in the way if the crofters applied to the Commission to have the rents revalued. Indeed, the existence of substantial arrears ensured that such an application would ease one of the Board's difficulties. By March 1906 only 17 of the 450 crofters on the estate had indicated a willingness to purchase their holdings. In the Summer of 1906 the Commission adjudicated on 350 fair rent applications from Kilmuir and gave effect to the reorganisation of the estate conceived by MacKintosh and P.B. MacIntyre (of the Crofter's Commission) in 1905. These rearrangements had the effect of converting nearly 3000 acres into croft lands and large reductions of rent across the estate.⁶

However, even these efforts on behalf of the Kilmuir crofters did not occasion universal approval. Some crofters complained to the CDB that the Commission had increased their rents. In this complaint they overlooked the fact that the Commission had also increased the acreage of common grazing available to them.⁷ The support of the CDB for rent reduction in Kilmuir is not absolute evidence of their belief that the estate was over rented. It should be seen in the context of the campaign to persuade the crofters to purchase their holdings. Given the widespread perception in Kilmuir that the rents were too high, and the fact that only 17 out of 450 crofters

responded positively to the initial offer of purchase, there was little else that the CDB could do but consent to a revaluation. They clearly hoped it would have the effect of making the purchase scheme look more attractive as well as making a small contribution to improving the economic position of the crofters.

From mid 1906 to May 1908, the campaign to have the Kilmuir crofters purchase their holdings reached its peak, with the personnel of the CDB and the Crofter's Commission being deployed in an attempt to counter the reluctance of the crofters. By late 1907 it had been agreed that the lotting out of the remaining portions of the farms, i.e. those not required for the extension of the common grazings of townships, (an operation which would create 78 new holdings) would have to be delayed until the ultimate fate of the estate was decided. Responsibility for that decision lay firmly with the Kilmuir crofting community. The CDB were determined that the purchase scheme should be taken up by the crofters as a whole, and not individually here and there by crofters. The reason for this delay was not made clear to the crofters and this led to a number of threats being made to take forcible possession of common grazing lands, at Cuidrach, Monkstadt and Duntulm on the east side of the estate. This was partly down to the new Scottish Secretary, John Sinclair, who was not the most efficient of administrators and had to be warned of the dangers of unaccountable delays in crofting matters.⁸

It was in this period that the reasons for the crofters rejecting or postponing the purchase of their holdings were most clearly articulated. It is useful to examine these in the context of the opinions of historians who have studied the matter. Day has argued that the crofters were "afraid" of increased rates consequent on the loss of the tenants dispensation which only meant having to pay a portion of the occupiers rates. They would only buy if the purchase annuity plus the owners rates was less than the fair rent. This could only be achieved if the Board was willing to bear a loss on the transaction. Hunter, although avoiding the specific case of Kilmuir, makes the general comment that the opposition to purchase was based on the fact that owners would have no protection under the 1886 Act and no right of appeal to the Crofter's Commission.⁹ This was undoubtedly the case, but the impression should not be given that purchasers were unprotected. They would have the protection of their purchase agreement and as long as they kept up with the payments they would be secure. Significantly, it should be noted that the protection of the 1886 Act was conditional on the prompt and correct payment of rent. At the end of the defined period the holding would belong to the occupier and he would be free of some of the *limitations* of the 1886 Act. For example, under the 1886 Act the crofter could not

assign his holding and it could only pass to his heir at law in the event of his death. As an occupier he would be able to let it out or will it to anybody of his choosing. In a statement delivered at a meeting with the Kilmuir crofters in June 1905, Sheriff Brand laid out, with his usual clarity, the advantages of purchase. He made the following crucial point;

... you would not be under the terms and provisions of any Act of Parliament, however liberal, but would be proprietors of the soil on which you live, as much proprietors as any other proprietor in the Isle of Skye.¹⁰

So, it is evident from the most cursory of examinations that the option of purchase held opportunities as well as burdens.

It is important also to examine the arguments and ploys which the crofters used to avoid purchasing in the period before the context of the argument changed in May 1908.

Initially, the sticking point appeared to be the perception of over renting. However, when the Crofter's Commission cleared up this problem in 1906 the crofters were resourceful in developing further arguments to counter the CDB's position. The argument concerning rates has been well rehearsed and does not require further examination beyond the recognition that the crofters were worried by the rating of their houses as much as the other burdens consequent upon ownership.¹¹ The CDB were initially of the opinion that if this difficulty could be cleared up most of the crofters would purchase. Other problems did exist though. Many felt that the number of years purchase of the holdings was too high. Not only could many crofters never hope to live to see the day when they would be proprietors but they felt the amount of money which 20 years purchase represented was too high for the land on offer. (It should be noted that although one describes the calculation of the prices of holdings as 20 years purchase, the payment of the annuities to the CDB would extend over a period of 50 years) This was an argument which had its supporters in the CDB. The Secretary, R.R. MacGregor, pointed out that on this basis the purchase of the estate by the crofters would realise more than the Board had paid for it in 1904. His colleagues felt that 16 or 17 years would be the highest price which would not compromise the success of the scheme.¹²

In the early months of 1908 the government made an attempt to discover authoritatively the feeling on the estate as to purchase. In December 1907 the CDB had sent out a statement to every crofter detailing the conditions of the purchase offer and inviting replies before the end of February 1908. Only 18 positive replies were received, but there had been 363 non replies, with Earlish, a township south of Uig, the only place where negative replies were evident. The problem for the Board was how to interpret the non replies. It is impossible to know whether these 18 represented the same group as the 17 who had indicated a desire to purchase in 1905. What is clear is, that in the period between the two surveys support for the concept of purchase was not widespread in Kilmuir. Angus Sutherland was not exaggerating when he argued "this does not look encouraging". He felt that the outcome was not a categoric refusal to purchase, however, his CDB colleague Reginald Macleod (Under Secretary for Scotland and the future 26th Chief of the Clan Macleod) disagreed in the strongest terms. He was well aware that the prevailing opinion in Skye was suspicious of purchase, despite what he called the "golden terms" being offered to crofters. He believed they were "foolish ... ill advised and ignorant".¹³

The prevailing political climate, its effect on the Highlands, and events elsewhere in the crofting counties afford some clues as to which of these interpretations was the more valid. As has been noted above, and as shall be discussed in depth in chap 6, the Liberal Government was attempting to pass the Small Landholders (Scotland) Bill. Its efforts in the years 1906 to 1908 were particularly vigorous. The bill had been introduced 3 times. It had been withdrawn voluntarily in 1906, but in 1907 and 1908 it passed the Commons only to be rejected by the House of Lords. It was eventually taken up by a private member in 1911 and passed with government support. This was a different political atmosphere to the early attempts as it followed the Parliament Act of that year which restricted the powers of the upper house. This Bill provided for a new improved version of the protected tenancy arrangements of the 1886 Act. It also provided for the abolition of the Crofter's Commission and the Congested Districts Board and their replacement with a Board of Agriculture for Scotland and a Scottish Land Court.

The crofters in Kilmuir were now confronted with the situation whereby, a government institution was attempting to persuade them to follow a particular line of policy, that is land purchase. Simultaneously, the government was attempting to legislate along different policy lines, dual ownership. Clearly, there was an ambiguity for crofters to exploit. It is important to note, not the date of the eventual passing of the Small Landholders Act, 1911, but the introduction of the original bill,

1906. The crofters knew from that date that if they could remain as tenants the idea of purchase and the CDB could well be things of the past. This fact was fully appreciated by the CDB. Their land manager pointed out at the beginning of 1908;

They hoped to see the Bill passed into law last year and they are sanguine that it will be passed this year. In these circumstances there will, I fear, be a tendency to delay coming to a decision and to mark time to await the fate of the bill.¹⁴

The second factor which had an impact on the situation at Kilmuir, were the ongoing events on the Southern Hebridean Estates of Lady Gordon Cathcart. Prior to a discussion of these events below it should be noted at this point that after buying a small portion of land on Vatersay (a small island adjacent to Castlebay, Barra) the CDB had responded to repeated land raids by Barra cottars by entering into a highly public debate with the proprietor. In this debate the governments position was that the proprietor was responsible for the condition of her estate and that the best way of remedying it was to cooperate with the government in settling crofter tenants on the island.

Thus, from two sources the crofters of Kilmuir could see the policy of purchase disintegrating. The governments strategy was a repudiation of that policy. On an estate renowned for political awareness and activism the crofters of Kilmuir needed no instruction to convince them that the chances of the purchase scheme being followed through diminished as time passed.

Some members of the CDB were infavour of responding to the crofters with a varied series of final threats to cajole them into purchase. Reginald MacLeod was of the opinion that if the present crofters would not purchase the new holdings should be sold to suitable holders form elsewhere on the island and even outwith Skye. This he felt would be a "valuable object lesson". Angus Sutherland was in favour of sending a circular to the Kilmuir crofters including "all the arguments we think necessary to induce them". Angus MacKintosh, with his superior local knowledge argued that the CDB could threaten to sell the estate altogether if the crofters refused to purchase. He warned of potential trouble "if outsiders are brought in". Generally, the government warned that any developments for the benefit of the Kilmuir crofters would be retarded if they broke the law. This, however, did not look very convincing in light of the government's positive response to the Vatersay raids.¹⁵

A major difficulty for the Board was that legal opinion up to then had led them to believe that they could not permanently act as proprietors under the provisions of the 1897 Act. However, law officers such as the Lord Advocate, were essentially political appointees and as amenable as other members of the government to prevailing political trends. It is not surprising then, to find in the CDB's report for 1908-1909;

We were advised by the Lord Advocate and the Solicitor General that the provision of land by the Board for subdivision among, or enlargement of, the holdings of crofters and cottars in the congested districts need not proceed exclusively by sale to such crofters and cottars.¹⁶

This legal advice had cleared the way for the proceedings of mid 1908. The fruits of the decision of May to allow the crofters of Kilmuir to continue as tenants can be seen in the earlier months of that year. Sinclair had written confidentially in March;

... it must be borne in mind that if the tenants will not purchase, the method of crofter tenancy will probably have to be adopted.¹⁷

Sinclair wrote to the Kilmuir crofters in May 1908 pointing out that the legal position of the CDB as proprietors was ambiguous. If the Small Landholders Bill had been passed the statutory position of the government to hold land would have been clarified. In the absence of new legislation it was proposed to offer tenancies under the 1886 Act, as opposed to terms for purchase, to all the existing crofters on the estate. Although he added that this did not necessarily mean that the purchase scheme would be abandoned or that the government would retain the estate, in tandem with the events in Vatersay and the continuing efforts to pass the land bill, the political signal had been sent. The crofters now considered that they had seen off the purchase scheme.¹⁸

This decision could be seen as a victory for the crofters in that tenancy was their preferred position and the one which prevailed. There is no doubt that their destiny would have been in their own hands to a much greater degree if they had become owners. Subsequent debates concerning the future of the Kilmuir estate would never have arisen. However, in the light of the failure of the other CDB settlements to sustain the burdens of ownership, difficulties which the well informed Kilmuir

crofters would have almost certainly have been aware of. They may have reached this position on the basis of this evidence rather than on ideological grounds. What is certain is the fact that the Liberal government from 1906 onwards was well disposed to the idea of tenancy. They were essentially moving in the same direction as the Kilmuir crofters and it is this fact as much as any other which secured their victory. Further, by the early years of 1908 it was clear that some sort of decision on the future of the estate would have to be taken. The government had owned the estate since 1904 and had available to them a detailed plan for its rearrangement, in a fashion which would reduce congestion, almost since that date. It would have been an abdication of the objectives of the Board, even in its less active second phase, if they had continued to mark time. The delay in acting had brought the crofters to the brink of renewed lawlessness. Individual members of the CDB were pressing for action to be taken on the subdivision of the farms and the lotting out of the proposed 78 new holdings. It was significant that this was begun as soon as the *de facto* decision to abandon purchase in Kilmuir was taken.¹⁹ So, it is evident that there were considerations other than the power of the crofters' arguments weighing on the government as they took this decision.

II

Before returning to Kilmuir to examine the events of the years from 1908 to the abolition of the CDB in 1912 it is necessary to examine the events which occurred in the southern Hebrides, and particularly Vatersay, which have been referred to above. The events at Kilmuir and Vatersay, and indeed at Westminster, had important implications for each other. The CDB had already tangled with the redoubtable Lady Gordon Cathcart at the turn of the century in the course of persuading her to sell land on Barra to them. The events surrounding Vatersay which were to run until 1910 began in 1901.

The Island of Vatersay was arranged as a sheep farm extending to 3400 acres, rented at £400 and was separated from Castlebay, the main settlement on Barra, by a narrow channel. It had only a small amount of land suitable for cultivation, and had been scheduled as a grazing subject by the Deer Forest Commissioners in 1895.²⁰ This was considered by the crofters as a mark of legitimacy for their claims to have new holdings set up on the Island.

Further, in September 1897 the County Council of Inverness had decreed that amongst other lands in Barra and North Uist, Vatersay should be leased for allotments under the Allotments Act of 1892. The Committee had visited and inspected the land and recommended that 4 acre plots be leased for a trial period of ten years. However, the Committee had no powers under the Act to force the proprietor to follow a course of action which she manifestly disapproved of. Consequently, although no action was taken on this recommendation the crofters regarded it as a confirmation of the righteousness of their claim, and the delay as a further grievance.²¹ Further force was added to their arguments by the tenant farmer on the island giving the cottars from the Castlebay area potato ground. In the early Spring of 1902, however, the cottars were surprised to find that the farmer wished to terminate this arrangement. After contacting their MP, Sir John Dewar, who secured the intervention of Lord Balfour of Burleigh (the Conservative Secretary for Scotland) with the proprietor on the matter, the crofters again approached the farmer who refused access a second time. At this point the cottars took matters into their own hands and raided land on Vatersay and proceeded to prepare it for cultivation.²²

This put the CDB in an extremely difficult position. They had no real power to take the initiative in a matter of this kind. As the land was under lease the proprietor had no real power either. However, the estate management recognised the validity of the cottars' position, commenting;

It must also be kept in view that this is not a case of a mob taking possession of land with which they had no previous connection. There undoubtedly has been a usage of long standing by which the cottars were allowed potato ground on Vatersay.²³

There was the worry, shared by the Conservative government of the day and the estate management, that the precedent of making arrangements for cottars who had broken the law would encourage others to do likewise. This, however, had to be balanced against the likelihood of destitution if the cottars did not receive land to grow their staple crop. Initially, the terms offered by the tenant were prohibitive and the scheme had to be laid to rest for the 1902 season. Negotiations were resumed in the autumn of 1902 against a background of cottar determination to seize more ground on Vatersay "no matter the consequence" if they did not get potato ground. Lady Gordon Cathcart was advised to offer the land for £600. A higher price had been considered but it was felt that this could have the effect of provoking the government into legislating for compulsory purchase. The offer of letting the land

was briefly contemplated, only to be discarded with the realisation that sale would be a more profitable transaction.²⁴ In November 1902 Hugh MacDiarmid, the Duke of Argyll's factor on Tiree, was sent to Vatersay to report on the quality of the ground and to recommend a price. He did so, reporting that ground on the easternmost point of the Island at Creagmhor and Uinessan was suitable for growing potatoes, and that £575 was a fair price. The estate management accepted this price but went to great lengths to point out how moderate it was in comparison to similar transactions on the East Coast of Scotland.²⁵ This was a familiar refrain of the Gordon Cathcart estate management and was of doubtful validity, especially with regard to the different conditions, and quality of land in the two areas. In addition, Hebridean cottars were likely to be much more dependant on potato land for their survival than east coast fisherman who would have more capital at their disposal and were closer to centres of population where supplies could be purchased. In the event, 60 acres were secured on condition that they be used only for potatoes, not pasture or settlement. In the spring of the following year it was noted that there were 50 families at work on the land. Most of these people were fishermen who had house sites, but no land, in the vicinity of Castlebay.²⁶

Although in the longer term this transaction was to prove unsatisfactory it is of note for the ease with which it was carried out. There had been the experience of the sale of lands in Barra which had built up trust between the CDB and Lady Gordon Cathcart. The amity, political and personal, between Lord Balfour and the proprietor undoubtedly helped. However, the principal fact which facilitated the transaction was that it fitted in with Lady Gordon Cathcart's analysis of the way forward for the Highlands. The agreement was not for new crofter holdings but for cultivation plots to be used by fishermen. This was in line with her ideas for steadily reducing the dependence of the people on the land for their livelihood, and similar in nature to her own private schemes of the 1880s. Although, as has been noted above, the crofters felt they had strong precedence for their claims to land on Vatersay, their raid had concentrated the minds of the estate management and the government on the problem. Although crofter action did play a part in stimulating developments it was the similarity in views between the government and the proprietor which was the deciding factor in defining the nature of the purchase. Before this intervention was established it is significant that the farm tenant of Vatersay refused to cooperate with the crofters.

Despite the acquisition of this land "the peace thus achieved proved transient".²⁷ Over the next two years complaints were made about the quality of the land and the conditions upon which it had been let. Land raids recurred in the spring of 1905, at which point the CDB made clear to the cottars that such actions would proscribe the Board from aiding them. Significantly, the CDB were slowly coming to the conclusion that the land which they had purchased was "useless" for growing potatoes. A second agricultural expert had examined the land in 1906 and had directly contradicted MacDiarmid's opinion. Lady Gordon Cathcart was approached with an enquiry as to whether she could make more land available to the CDB. Her solicitors responded negatively and went on to say that in their opinion the failure to grow potatoes on the land was "due not to any inherent incapacity of the soil but to the inability of the people to work it properly".²⁸

The land raid was repeated in February of 1906, prompting the comment by the Chief Constable of the County Police Force, "this is a sort of annual proceeding at this season". In contrast the *Scotsman* commented that the Vatersay raid could be "the portent and prelude to another Hebridean crofter's storm". The intervention of the proprietor secured a further 20 acres of the farm which were let to the CDB at a rate of 10s an acre for a period of two years. The implication made, when this was communicated to the CDB, was that the government were now duty bound to afford the protection of the criminal law to the proprietor in an effort to prevent any further land raids. This surprised the government who had always regarded trespass as a civil matter and as such it was up to the proprietor to initiate proceedings.²⁹

The CDB in this case, and others have been criticised for giving the impression by their actions that they were encouraging land raids and other illegal acts. Day argues;

Unfortunately, this was not the only case of the Board's stating
that threats would not move them delaying action till the threats
came, and then at once giving way to the cottar's demands.

Hunter agrees, arguing that "subsequent events did little to refute" the idea that the CDB was "condoning and even encouraging lawlessness". The cycle of raid and CDB intervention established at Vatersay did seem to coincide with illegal acts elsewhere in the Highlands. It is, however, difficult to see how else the CDB could have acted. Day, in attempting to address this issue merely states that "such action should have been avoidable". This is unhelpful, if the CDB as the only body capable of intervention had not acted they would have been criticised for ignoring distress

and congestion and not facing up to their responsibilities. The estate management had shown no real tendency to act independently, preferring to work in conjunction with the CDB, who would helpfully bear some of the expense of dealing with such situations. Normatively, it may have been judicious for the CDB to stand firm in the face of threatened and actual raids, but reality, and the fact that such raids indicated a degree of distress, compelled the CDB to act.³⁰

The remainder of 1906, and the early months of 1907, saw the situation at Vatersay escalate seriously. By May 1907 the cottars had taken their cattle to Vatersay, were cultivating the land, and had erected huts on the island. This bears out the conclusion drawn by the Barra Police Constable in early 1906;

they are determined to get possession of the whole farm of Vatersay and to remove their dwelling houses there as early as possible.³¹

The period from the middle of 1907 to February 1909 when the CDB purchased Vatersay was characterised by a number of vigorous debates. A debate between the Liberal government and the representatives of Lady Gordon Cathcart on the issue of who should take responsibility for the Vatersay raiders, and the issue of the upholding of the law. It developed into a debate on the future of the island with the estate arguing, in line with its long held views, that the government should purchase Vatersay if it wished to extend crofting. On the other hand the government argued, in line with the policy on which it was trying to legislate, that the proprietor should retain the crofters as tenants and establish new holdings in cooperation with government agencies. Further, there was a debate within the Scottish Office, between John Sinclair the Secretary for Scotland and the Under Secretary, Reginald Macleod, which developed along similar lines. Examination of the course of these debates will help to develop the main themes of this thesis, namely the question of the power of the crofting community to substantially influence government policy, and the course of the ongoing contest in this period between the rival concepts of land purchase and dual ownership.

III

The first issue which emerged in both debates concerned the law and order issue. The government was firmly of the opinion that if the estate wanted to deal with the problems of the raiders it should pursue them in the civil courts. The estate believed this to be an abdication of the responsibilities of the government to provide

protection to a land owner whose property rights had been injured. Reginald MacLeod in the Scottish Office noted that the cottars had disregarded the conditions of the lease of the potato ground, and had been grazing their stock on it. He felt the CDB's habit of responding positively to lawlessness had contributed to this and that the moment was opportune for the CDB to demonstrate that they would no longer tolerate such behaviour.³² The Secretary for Scotland was on a different wavelength. He argued that the way out of the difficulties in Vatersay was for the estate to cooperate with the CDB in setting up a new crofter settlement on the Island. Added to the well known general opposition of Lady Gordon Cathcart to such a course of action, there were specific difficulties with Vatersay. As well as unwillingness to accept the raiders as tenants there were doubts about the adequacy of the water and fuel supply on the island. There were none of the necessary facilities for a settlement, such as a school, church or shop. Further, it was pointed out to the Board that the farm of Vatersay was held under lease until 1926. Her solicitors presented the Government with a stark choice;

... either they must take effective action for putting down the present lawless movement and protecting the tenant of Vatersay in the peaceable enjoyment of his farm, or they must purchase the farm, make terms with the tenant for renouncing his tenancy, and deal with the farm and the squatters now on it in such way as they may consider proper.³³

Clearly, if a settlement was to evolve on Lady Gordon Cathcart's terms the CDB was going to incur a great deal of expenditure in compensating the tenant. The rating burden for the settlers would be crippling if the parish had to provide all the necessary facilities. Sinclair confided to the Lord Advocate, Thomas Shaw, in September 1907 that he was against purchase, "on the merits and because of the example".³⁴

As has been noted the Conservatives when they were in government were able to work in cooperation with Lady Gordon Cathcart and her estate management with the minimum of public controversy; not so the Liberals. There was a certain amount of political antipathy on the part of the estate management towards the new government. Sinclair had been condemned by them as "a man with no administrative experience" and the Lord Advocate as "an extreme radical" and "hostile to

landowners".³⁵ Shaw, in particular, seemed to go out of his way to exacerbate the situation. Relations between the government and the estate worsened in August 1907 when the Vatersay situation was discussed in Parliament; Shaw described the raid the following downbeat manner;

These poor tenants of Barra stepped across to the island of Vatersay and on the shore they planted a few potatoes, hoping to return in the spring to reap what little crop there was.... they were interfering with no human soul.

This enraged Lady Gordon Cathcart who demanded an apology from the Lord Advocate. This was provided but proved to be insufficient and the dispute festered to the detriment of the prompt settlement of the problems on Vatersay. Indeed, the proprietor was so bitter about the episode that she went to the trouble of having the correspondence privately published with her own introduction.³⁶

The estate management had begun to think that the government were favourably disposed to the position of the raiders, who were increasing in number all the time. In mid 1907 the Sheriff of Inverness, John Wilson, visited Vatersay and reported his impressions. He took care to attempt to persuade the raiders to desist from illegal actions, and managed to convince the estate management to drop a civil action against them. His report was not well received by the estate as it appeared that Wilson had sought his information only among the raiders and had not approached the estate officials. In reporting the views of the raiders he inadvertently gave the impression that he had some sympathy with them.³⁷

The remainder of the period up to the eventual sale of the estate to the CDB in late 1908 was characterised by a rearguard action by the government to prevent this eventuality and consistent attempts by the estate to complicate any scheme of setting up new holdings under the proprietorship of Lady Gordon Cathcart.

The initial demand made by the estate was that the CDB should compensate the tenant of Vatersay for the breach of his lease. The government was extremely reluctant to agree to this request, both on the grounds of the cost and the fact that they were not at all sure that they wished to be saddled with responsibility for the whole farm. The estate's position on this point, trenchantly put by Lady Gordon Cathcart, was that they had no wish to disturb the tenant and were only doing so to help the CDB.

The Secretary for Scotland has taken the extraordinary position that the government are not responsible for the conditions existing in these islands, that the only mode of dealing with these conditions is to yield to the violence of a handful of raiders and that it devolves upon me to pay compensation to the tenant in order to induce him to give up his lease and allow the farm, which he is managing successfully as a grazing, to be divided up into crofts which cannot be managed successfully, and to be handed over to those who have taken and retained violent possession, not only in defiance of the rights of the proprietor and tenant, but in defiance of the interdict of the supreme court.³⁸

The next condition the estate issued was that the government guarantee that the remainder of the farm of Vatersay was not raided if they only used part of it for their settlement. The estate escalated the situation in June 1908, when they took civil action against 10 of the 150 raiders now on the island. They were duly sentenced to 8 weeks imprisonment. This put the government in an extremely difficult position, as they had consistently argued that the estate should follow this course. They were left with no option but to concede the point that they were responsible for compensating the tenant, indeed they had been given an incentive to follow this course by Lady Gordon Cathcart who offered to apply to the court to have the raiders released if they did so.³⁹ This concession did not satiate the estate's desire to force their own analysis of the situation on the government. Following the release of the raiders, who were welcomed home as heroes, the government were faced with a new demand; namely, that they guarantee and cover any loss to the estate through non payment of rent by the proposed new settlers. The government felt this to be unreasonable, but the estate stuck to this position until October when the government were forced to ignominiously capitulate to the initial demand of the estate and purchase the island outright. The *Scotsman* commented, "in deciding to purchase Vatersay Lord Pentland has taken the course which he obstinately refused to consider for more than a year".⁴⁰ The transaction was eventually completed in February of 1909 with £6250 changing hands, although many have considered this to be an inflated price it represented a considerable reduction on the figure of £10,000 which had been initially demanded by the estate.⁴¹

Before going on to briefly examine the details of the CDB's administration of their latest purchase it is important to relate these events to the wider political background and to the history of the CDB.

The first point to note is that the Small Landholders (Scotland) Bill cast a significant shadow over the proceedings. There was no doubt in the minds of Lady Gordon Cathcart's agents that it was this factor, above all others, which influenced Sinclair so strongly against purchase. Indeed, Sinclair himself admitted that the objective in Vatersay was to try a dry run of the arrangements in that Bill. So, as in Kilmuir, the government were reluctant to be seen financing further purchases when their preferred policy was to set up crofter settlements under the existing proprietors. In the case of Vatersay they made no attempt to sell the holdings to the settlers preferring to allow them to hold under the Crofter's Act.⁴² The passage of the Small Landholders Bill would have given the government much needed authority in its negotiations with Lady Gordon Cathcart. Further, the framework provided would have prevented the estate from introducing new and escalating demands at crucial points in the negotiations.

The course of events in Vatersay provides a good example of the continuing power of proprietors over government policy. The events in Vatersay have most often been interpreted as a victory for the direct action tactics of those who raided the island. There is certainly some substance in this, in that it focused attention on the the situation and secured an extension of the crofting system on the Gordon Cathcart estates against the wishes of the proprietors. However, there are other points to be added. It should be recognised that the Liberal government was in general sympathy with the raiders, in their objectives if not their tactics. The course of the negotiations in 1907 and 1908 was heavily in favour of the proprietor and her interests. The government was moved from its advocacy of a dual ownership arrangement for Vatersay and forced to take the whole island off the hands of the proprietors at a cost of over £6000 to the CDB. Indeed, the government did not prevail at any of the crucial points of the negotiation until the settlement of the purchase price. The Scottish Secretary was well aware that he was fighting a losing battle almost from the beginning of the negotiations. He confided to the Lord Advocate in September 1907, "ultimately purchase may be forced upon us".⁴³ This helps to substantiate the argument that the 1886 Act did not preside over the death of "landlordism" to the extent that has often been claimed.

Although Sinclair claimed that the dispute over Vatersay was "a miserably small business and a sordid bit of work", its importance goes beyond the narrow geographical confines within which it took place. Reginald MacLeod, the Under Secretary for Scotland, future Highland landowner and Conservative candidate was well aware of this wider importance when he remarked, "responsibility is the key to the whole difficulty". Macleod was convinced privately that a settlement on Vatersay although sanctioned by the Deer Forest Commission would be a "retrograde step".⁴⁴ The debate can in fact be interpreted as a microcosm of the wider debate over Highland policy which had been going on since the early 1880s. This debate had left such rival landmarks as the statutes of 1886 and 1897, with the former based on tenancy and the latter on purchase. The proprietor was reluctant to establish new tenants under the 1886 act. Although in the case of Vatersay this would have been done at the public expense it still exposed the proprietor to a number of financial penalties. Firstly, there would be a loss of rent, even assuming that the crofters paid regularly and in full. Vatersay had yielded a rent of £330 as a farm, whereas its crofters once settled yielded only £157.⁴⁵ Although the estate's demand, in July 1908, that the CDB cover any loss in rental was issued with the objective of making the idea of dual ownership unpalatable to the government, it did have a basis in substance. There was also the question of rates. Setting up a crofter settlement imposed increases in public burdens, through the provision of sanitary and educational facilities, which would fall mostly on the proprietor. There were also considerations of social cost from the proprietors' perspective. Lady Gordon Cathcart, like many proprietors, believed that crofting only served to breed a congested and discontented population. So for all these reasons the option of purchase was attractive to the proprietor. She would no longer have any responsibility for the problems of the island all of which would be transferred to the government. Sinclair, whose lack of experience in Highland matters was exposed in the debates over Vatersay, had the greatest difficulty understanding this and had to have it explained in specially simplified language by Reginald Macleod.⁴⁶ MacLeod resigned his post in the Scottish Office to fight Inverness-shire for the Conservatives in the general election of January 1910. His private doubts about the "dishonesty" of the Liberal policy of encouraging crofter tenancies became public during the campaign, when he argued, "I am in favour of people becoming owners of the land they cultivate"⁴⁷ It was these arguments, which had been voiced by landowners in the early 1890s, which had moved the Conservatives in the direction of land purchase as their preferred policy for the Highlands.

One final issue which the Vatersay situation profiled was the relationship between the actions of the CDB and the incidence of land raids and other outbreaks of agitation. It had been an oft repeated accusation that the CDB were responsive to such acts in a manner which would only serve to encourage their repetition. Lady Gordon Cathcart was reluctant to accept any of the raiders as tenants and was concerned that the liberation of the Vatersay Raiders in July 1908 would be regarded as a victory for illegality, a point echoed by the Conservative press. Indeed, the release saw a number of incidents throughout the Highlands. In August cottars at Bruernish in Barra threatened a land raid. In February 1909 cottars from Lochboisdale in South Uist raided the farm of Glendale, and the following month saw a raid at Ardmhor on Barra. Reginald MacLeod reflected proprietorial concern on this issue to the Scottish Secretary.⁴⁸ In allocating the holdings at Vatersay the CDB were at pains to point out that an applicants chances were neither improved or made worse by his status as a raider. The most important criteria for the Board was agricultural ability. It is interesting to note that the ringleaders in the land raids of 1905 and 1906 actually refused holdings. They manufactured a grievance from the CDB's method of allocating the 60 holdings on offer on Vatersay. They argued that the CDB had discriminated against the raiders in their allocation of holdings. A grievance not shared by the other applicants.⁴⁹

The Island of Vatersay continued to pose difficulties for the government and the CDB even after the decision to purchase had been taken. Once that point was reached the Crofter's Commission were duly despatched to survey the farm and assess its suitability for holdings. As a grazing farm it had carried a sheep stock capable of producing 800 to 1000 lambs. It was proposed to establish 60 fisherman's holdings in 4 townships across the island, at Uidh, Earosdale, and Netherton and Upperton of Vatersay. The Commission had to face the difficult problem of rent. The current rent of the farm was £350, the Commission recommended £330 for the total rent of the crofting townships, but retained an awareness of the problems, commenting, "it is not unlikely that the class of tenants proposed to be settled in Vatersay cannot afford to pay that rent". Further problems surrounded the stock

which the raiders had taken over to the island with them. The island was unquestionably overstocked and the Board realised that it would be impossible to remove the crofter's stock. So, in a somewhat self defeating exercise, they decided to sell the existing high quality sheep stock.⁵⁰

In the event, there were 85 applicants for the 60 holdings on offer. They were informed that the estate had been purchased with the objective of relieving congestion in Barra and that nobody would be accepted or rejected because they had been involved in the raids. As noted above, the ringleaders of the raids rejected the holdings they were offered. This posed no difficulty for the CDB, indeed it played into their hands. Grateful to be rid of such troublesome incendiaries, they declared them trespassers on Board land and gave them a short time to leave. They responded by attempting, without success, to stir up a dispute with the Scottish Office about the terms of the agreements they had been offered.⁵¹ By September 1910 the CDB were still not in a position to demand any rent from the settlers who had neither reaped crops, sold stock, or earned any money from fishing. It was these sorts of considerations which had initially prompted Lady Gordon Cathcart to urge purchase on the CDB. The fact that the CDB had paid £6000 for the inheritance of these difficulties was no doubt a source of satisfaction on her part.⁵²

IV

From the settlement of the Vatersay difficulties the focus of the Board's activities returned to Kilmuir. As has been discussed above the Liberals had abandoned efforts to persuade the crofters to purchase their holdings. This was not the end of difficulties in this troublesome part of the Highlands.

The early months of 1910 after most of the restructuring of the estate had been carried out, the Board received a flurry of threats from the crofters. Those at Heribusta threatened to raid the farm of Duntulm in the extreme north of the estate. In more menacing terms, the crofters of Idrigill indicated their designs on the neighbouring farm of Scuddaburgh.⁵³ They had long coveted this farm and were aggrieved in early 1910 when the Crofter's Commission awarded them only 397 acres of the farm. They argued that the crofters had neither the capital nor the skill to justify the award of the remaining 63 acres of arable land. Despite the CDB, in their position of proprietors, obtaining interdicts to prevent a raid, such an event took place in late April 1910.⁵⁴

The CDB felt that they had to stand by the decision of the Commission and not yield to the crofters' demands for an independent valuation of the farm. Further raids took place in June 1910 and the government began to make much more resolute noises about the necessity of stamping out lawlessness when it was their own property which was being raided. However, they found out just how difficult the civil law was to apply in such remote areas when they attempted to serve writs on the raiders. The police refused to arrest or to point out the guilty parties. Local CDB officials refused, in fear of their safety, to become involved. The result was that Angus MacKintosh, the CDB's Land Manager, had to perform the task. He did so, but felt the action destroyed his reputation in Kilmuir. The attempt to serve the writs was singularly unsuccessful. MacKintosh and the Sheriff Officers were attacked by the men, women and children of the township and despatched in general direction of Portree.⁵⁵

After a meeting between Lord Pentland and the Idrigill crofters in the Free Church in Uig, the issue was settled by giving the disputed 63 acres to the Idrigill crofters to farm communally. A proposal had been made to form 4 large holdings on the land but, in Pentland's words "jealousy was too much for it". Pentland expected, and received, criticism for his carefully arranged solution, with the *Scotsman* condemning it as "socialistic".⁵⁶

This was a period noted for the number of land raids which occurred, so it is important to note the similarities and contrasts between the various raids. The raids on Vatersay were the most prominent, principally because of the attitude of permanence taken by the raiders. They were also large scale events, with 130 people on the island by October 1908. Not only did they bring their stock with them, but they also erected wooden houses to live in. Such facts made the raiders very difficult to dislodge. They had gone further than any other previous raiders in physically staking a claim to the land they coveted.⁵⁷ One author has correctly noted that the raiders "showed every determination of staying on the island for good".⁵⁸ The challenge made by the raiders was to the estate not to the government, which they perceived as being supportive of their cause, with Lord Pentland being held in particular reverence. Previous land raids in the 1880s were certainly anti landlord but they were also characterised by anti government sentiment as well. The land raids which occurred in South Uist can be characterised more accurately as demonstrations, rather than challenges. Those involved did not take up permanent residence on the land in question but withdrew when they felt their protest had been registered.⁵⁹

The various threats, and the actual raid on Scuddaburgh farm in 1910, are different from either of the above. Firstly, they took place on an estate owned by the government. The CDB acted like other proprietors in attempting to protect its property through recourse to civil law. The drawbacks of such procedures were made evident through these experiences. The raid is notable because of the vehemence of those involved. This would seem to sit uneasily alongside the limited nature of the grievance, 63 acres of arable land. There would seem to be little doubt that Scuddaburgh held an importance to the Idrigill crofters beyond the mere acreage. Their reaction to the Sheriff Officers demonstrates that clearly. Perhaps the fact that the CDB were the proprietors had raised expectations for the receipt of land unduly high. This would go some way to explaining the depth of the reaction to the Commission's decision to hold back the arable land from the crofters.

A noticeable factor common to both Vatersay and Scuddaburgh was that although participation in the raids was high in the respective communities involved, there was a hard core of ringleaders in both cases. The extent to which these men fuelled the sense of grievance in the other crofters is debatable. It is clear that they had an exaggerated sense of it themselves. It has already been noted how the Vatersay ringleaders' sense of grievance outlasted that of their fellow raiders to their own detriment. It was said of one of the Scuddaburgh ringleaders, "the others seem to think that they have only to follow him to get everything they want on their own terms".⁶⁰

The overriding impression gained from the evidence of these raids concerns the limited nature of the aims. In this period at least, land raids were not a direct challenge to the institution of landlordism as many have claimed. Rather, they were a tactic employed to extract limited gains, like the establishment of a few fisherman's holdings on Vatersay, or access to 63 acres of arable land in Scuddaburgh.

V

In conclusion, the fact that the CDB was essentially a political creation should not be lost sight of. It was constituted by a Conservative government with a political aim in mind. Thus, when a Liberal government ensued in 1906 the outlook of the Board changed accordingly. Its impending abolition played an important part in this process. It was placed in a difficult position by the political difficulties of the Liberal

government in the period 1906 to 1911, which meant that its constitution was at odds with the preferred policy of that government. Its reputation was not enhanced in these years. The Liberals displayed a distinct lack of understanding in its dealings with Highland proprietors, like Lady Gordon Cathcart.

The events at Kilmuir demonstrated the basic unpopularity of the concept of land purchase among crofters. On the other hand, the events at Vatersay demonstrated proprietorial disapproval for the Liberal policy which they felt to be an unsatisfactory compromise of responsibilities.

The limited modern historiography on the Congested Districts Board has tended to consider its period of existence as a whole.⁶¹ The analysis of the Board in this, and the foregoing, chapter indicate the importance of the change of government. The two major parties attempted to implement different policies in the Highlands and used the Board accordingly. A quantitative analysis of the performance of the Board is rendered meaningless by this change in policy and by the substantial overlap between the two periods. For example, the estate of Kilmuir was purchased under the Conservative government, however, the reorganisation of the estate straddled the election of 1906. Nevertheless, the important point to note is the differing political performance of the Board in the two periods and how it was employed to implement in turn the Conservative policy of land purchase and then the Liberal policy of protected tenancy.

It has been said of the Irish CDB that its land purchase operations "completely changed the face of the congested districts".⁶² No such claim can be advanced for the Scottish Board. Its funding was insufficient and its effective working life too short. Up to 1904 no large estates were bought, and after 1906 its efforts were restricted for political reasons. The Board themselves commented in 1907;

... that to proceed further with schemes for settlement under the provisions of the Act of 1897, which the government desired to supplant by a new process would lead to no useful public result.⁶³

The earlier passage of the Small Landholders Bill would have given the CDB an easier task in dealing with its responsibilities in Kilmuir and more authority in its negotiations in Vatersay. The latter dispute became symbolic of the general stalemate on Highland policy which existed from 1906 to 1912. Above all, it is an indication of how the CDB was absorbed by the politics of the government which it

served. Objectively, the Board would have been reluctant to spend so much time and effort in creating 60 very small holdings in less than ideal circumstances. Historically, these disputes demonstrate clearly the tension between the contending policies of purchase and the extension of crofting tenancies. They also demonstrate the continuing power of proprietors to influence government policy over 20 years after the Crofter's Holdings Act.

1. The details of the contents of this bill and the politics of its passage through Parliament will be discussed in Chap 6.

2. CDB Annual Reports, 1903-1904, x-xi; 1905-6, xiii; SRO, CDB Files, AF 42/1870, Henry Cook (Solicitor to CDB) to R.R. MacGregor (CDB Secretary), 11th February 1904.

3. SRO, CDB Files, AF 42/2476, Preliminary Report by Mr A. Mackintosh as to the breaking up of farms on the Kilmuir Estate for Crofter's Holdings, 3rd April 1904; AF 42/3013, Report by P.B. MacIntyre, Crofter's Commission on the farm of Flodigar, Skye, the Property of the CDB, 29th January 1905; AF 42/3014, Report by MacIntyre on farm of Monkstadt, 29th January 1905.

4. SRO, CDB Files, AF 42/3011, Report by the Crofter's Commission on the matter of arrears on the Kilmuir Estate.

5. SRO, CDB Files, AF 42/3257, MacGregor to Brand, 11th May 1906.

6. Crofter's Commission, Annual Report, 1905-1906, xiii-xvii; CDB Annual Report, 1905-1906, xiii; SRO, CDB Files, AF 42/3369, Recommendations as to Kilmuir by Angus Sutherland, 28th July 1906.

7. SRO, CDB Files, AF 42/3756, Petition from the crofters of Breckry, Kilmuir, 28th February 1907; Minute by Angus Mackintosh, 6th March 1907.

8. SRO, CDB Files, AF 42/4383, MacKintosh to MacGregor, 26th December 1907; AF 42/4693, Petition from the Earlish Crofters to the CDB, 27th February 1908; AF 42/4866, Petition from the Totescore Crofters to CDB, 28th March 1908, MacGregor to Sinclair, 1st April 1908; AF 42/4921, Petition from the Crofters of Herbusta and Peingown, 7th April 1908;

9. J.P. Day, *Public Administration in the Highlands and islands of Scotland*, (London, 1919) 213; J. Hunter, *The Making of the Crofting Community*, (Edinburgh, 1976) 186.

10. SRO, CDB Files, AF 42/2780, Report of meetings held in June 1908 by certain members of the CDB, with the people of Kilmuir.

11. Day, *Public Administration*, 211; M.D. MacSween, *Settlement in Trotternish, Isle of Skye, 1700 to 1958*, (B.Litt Thesis, University of Glasgow, 1962), 173-4.

12. SRO, CDB Files, AF 42/4429, Mackintosh to MacGregor, 6th January 1908; AF 42/6950, Minute by MacGregor, 30th January 1906, Minute by Brand, 3rd February 1906, Minute

by Angus Mackintosh, 11th April 1906.

13. *CDB Annual Report, 1907-1908*, Appendix No III, Statement to the Kilmuir Crofters with regard to the Proposed Purchase by them of their Existing crofts; SRO, CDB Files, AF 42/4740, Kilmuir Purchase Scheme: Statement of Replies Received, 9th March 1908; Minute by Angus Sutherland, 10th March 1908; AF 42/4903, Memo by Reginald MacLeod as to Kilmuir, 3rd April 1908.

14. SRO, CDB Files, AF 42/4429, Mackintosh to MacGregor, 6th January 1908.

15. SRO, CDB Files, AF 42/4693, Memo by Reginald Macleod, 27th February 1908; AF 42/4740, Minute by Angus Sutherland, 10th March 1908; AF 42/4429, MacKintosh to MacGregor, 6th January 1908; AF 42/4855, Scottish Office to Kilmuir crofters, 3rd April 1908.

16. *CDB Annual Report, 1908-1909*, vii.

17. SRO, CDB Files AF 42/4703, Minute by Sinclair, 14th March 1908.

18. *CDB Annual Report, 1908-1909*, viii; SRO, CDB Files AF 42/5019, John Sinclair to the crofters and others on the Estate of Kilmuir, 14th May 1908.

19. SRO, CDB Files, AF 42/4742, MacGregor to Sutherland, 9th March 1908; AF 42/4903, Memo by Reginald MacLeod as to Kilmuir, 3rd April 1908.

20. SRO, AF 42/1254, Negotiations to Buy Potato Ground at Vatersay, May 1902.

21. *Return of the Report of a Special Committee of the County Council of Inverness Upon Applications for Allotments in North Uist and Barra, made in September 1897, together with any relative papers.* PP 1908. 96.

22. SRO, Crofting Files, AF 67/130 Police Reports, Barra, 19th & 25th March 1902.

23. Cluny Castle MSS, Bundle 15, SEG to Lady Gordon Cathcart, 1st April 1902; SRO, CDB Files, AF 42/1549, Memo on Vatersay by MacGregor, 19th January 1903.

24. SRO, Crofting Files, AF 67/130, Police Report, Barra, 28th October 1902; Cluny Castle MSS, Bundle 15, SEG to Ranald MacDonald, 16th October 1902; SEG to Lady Gordon Cathcart, 17th October 1902.

25. SRO, CDB Files, AF 42/1549, Memo on Vatersay by MacGregor 19th January 1903; Cluny Castle MSS, Bundle 15, SEG to Ranald MacDonald, 1st November 1902; Macdonald to SEG, 4th November 1902.

26. SRO, CDB Files, AF 42/1594, Rev D. Chisolm, Castlebay Barra, to the CDB, 2nd & 13th March 1903; AF 42/3914, Reginald MacLeod to John Wilson (Sheriff of Inverness) 7th May 1907; CDB Annual Report, 1902-1903, ix.

27. Hunter, *Crofting Community*, 190.

28. Day, *Public Administration*, 216; SRO, Crofting Files, AF 67/132, Police Report, Barra, 22nd February 1905; SRO, CDB Files, AF 42/2412, E.K. Carmichael to MacGregor, 14th March 1905; CDB to SE&G, 17th March 1905; SE&G to CDB, 28th March 1905.

29. SRO, Crofting Files, AF 67/132, Police Report, Chief Constable, Inverness, 7th February 1902; SRO, CDB Files, AF 42/3129, SEG to Sinclair, 14th March 1906; *Scotsman*, February 8th 1906; *Oban Times*, 17th February 1906; *Return of the Correspondence between Lady Gordon Cathcart and the Secretary for Scotland and the Lord Advocate, with reference to the Seizure and Occupation of the Island of Vatersay by Squatters and with regard to the future arrangements in that Island.* P.P. 1908. 91. (hereafter *Vatersay Correspondence*), SEG to the Under Secretary for Scotland, 27th June 1906.

30. Day, *Public Administration*, 217; Hunter, *Crofting Community*, 190-191.

31. SRO, Crofting Files, AF 67/132, Police Report, Barra, 9th February 1906.

32. Cluny Castle MSS, Bundle 79, SEG to Ranald MacDonald, 16th March 1906; *Vatersay Correspondence*, Reginald MacLeod to SE&G, 9th July 1906; SRO, CDB Files, AF 42/4127, Minute by the Under Secretary for Scotland, 25th April 1907,

33. *Vatersay Correspondence*, SEG to the Under Secretary for Scotland, 9th September 1907.

34. SRO, Lord Advocate's Papers, AD 59/8, Sinclair to Shaw, 26th September 1907.

35. Cluny Castle MSS, Bundle 79, SEG to Ranald MacDonald, 16th March 1906.

36. PD, 4S, 179, 1894; *Vatersay Correspondence*, Lady Gordon Cathcart to Shaw, 13th August 1907; Shaw to Lady Gordon Cathcart, 23rd August 1907; Lady Gordon Cathcart to Shaw, 7th September 1907; Shaw to Lady Gordon Cathcart, 12th September 1907.

37. SRO, CDB Files, AF 42/3914, Reginald Macleod to John Wilson, 7th May 1907; AF 42/5141, Statement by Lady Gordon Cathcart with reference to seizures of land in

Vatersay; *Vatersay Correspondence*, Report to the Secretary for Scotland by the Sheriff of Inverness, with reference to the proceedings of the Cottars at Castlebay, Barra in seizing and occupying land in the adjoining Island of Vatersay, 23rd May 1907.

38. *Vatersay Correspondence*, Reginald Macleod to SEG, 14th November 1907; SRO, Crofting Files, AF 67/135, SEG to the Under Secretary for Scotland, 3rd December 1907; SEG Papers, Deed Box A8, Lady Gordon Cathcart No3, Bundle 18, Introduction by Lady Gordon Cathcart to a privately published pamphlet entitled, *Correspondence between Lady Gordon Cathcart and the Secretary for Scotland and the Lord Advocate; Scotsman*, 4th March 1908.

39. SRO, Crofting Files, AF 67/137, Under Secretary for Scotland to SEG, 14th July 1908; SRO, CDB Files, AF 42/5871, Narrative of Proceedings leading up to the purchase of the Island of Vatersay, 19th February 1909, by Lord Pentland.

40. SRO, Crofting Files, AF 67/137, SEG to the Under Secretary for Scotland, 30th July 1908; SRO, CDB Files, AF 42/5344, John Sinclair to Henry Cook, 20th October 1908.

41. SRO, CDB Files, AF 42/5871, Narrative of Vatersay Proceedings, 19th February 1909; AF 42/6137, Donald Shaw, (Solicitor for the Vatersay Raiders) to the Under Secretary for Scotland, 30th April 1909; Hunter, *Crofting Community*, 191.

42. SRO, CDB Files, AF 42/5344, SE&G to Henry Cook, 16th October 1908; AF 42/5871, Narrative of Vatersay Proceedings, 19th February, 1909; Minute by Angus Sutherland, 1st March 1909; MacGregor to Sutherland, 3rd March 1909; AF 42/5991, Notes of Conference held in Edinburgh, 13th March 1909.

43. SRO, Lord Advocates Papers, AD 59/8, Sinclair to Shaw, 26th September 1907.

44. SRO, Lord Advocate's Papers, AD 59/8, Sinclair to Shaw, 26th September 1907; SRO, Crofting Files, AF 67/137, Memo by Reginald Macleod to John Sinclair, 13th July 1908; AF 67/135, Minute by Reginald MacLeod, 7th November 1907.

45. SRO, CDB Files, AF 42/5369, Report by the Crofter's Commission on the farm of Vatersay; Day, *Public Administration*, 220.

46. SRO, Crofting Files, AF 67/137, Minute by Reginald Macleod, to John Sinclair, 13th July 1908.

47. Inveraray Castle MSS, Bundle 314, Reginald MacLeod to

the Duke of Argyll, *Northern Chronicle*, 12th January 1910.

48. SRO, Crofting Files, AF 67/137, Threat from Cottars at Bruernish Barra to seize land unless the Government come to their assistance; AF 67/138, Police Report, Lochmaddy, 9th February 1909; AF 67/141, Police Reports, Barra, 4th & 10th March 1909; AF 67/163, Reginald Macleod 31st October 1908; *Northern Chronicle*, 16th June 1909; *Scotsman*, 29th January 1908.

49. SRO, CDB Files, AF 42/6209, report to the CDB by the Holdings Committee, with regard to the formation of settlements in Vatersay, 19th May 1909; AF 42/6582, Minute by the Secretary for Scotland on Vatersay, 7th October 1909; AF 42/6768, Donald Shaw to the CDB, 24th November 1909; SRO, Crofting Files, AF 67/370, Donald Shaw to Lord Pentland, 5th July 1909.

50. SRO, CDB Files, AF 42/5369, Report by the Crofter's Commission on Vatersay; AF 42/5911, Angus Mackintosh to Henry Cook, 24th February 1909.

51. SRO, CDB Files, AF 42/6209, report to the CDB by the Holdings Committee, with regard to the formation of settlements in Vatersay, 19th May 1909; AF 42/6768, Shaw to CDB, 24th November 1909; SRO, Crofting Files, AF 67/370, Shaw to Pentland, 5th July 1909; MacGregor to Shaw, 30th June 1909; Shaw to MacGregor, 1st July 1909; MacKintosh to Pentland, 5th October 1909.

52. SRO, CDB Files, AF 42/7634, Angus MacKintosh to CDB, 4th September 1910; J. Cameron, *The Old and the New Highlands and Hebrides*, (Kirkcaldy, 1912), 132-3.

53. SRO, CDB Files, AF 42/7047, Heribusta Crofters to the CDB, 5th March 1910; AF 42/7195, Idrigill Crofters to the CDB, 11th April 1910.

54. *Crofter's Commission Annual Report, 1909-1910*, Appendix, 50; *CDB Annual Report, 1910-1911*, vii; SRO, CDB Files, AF 42/7282, Scottish Office to Idrigill Crofters, 7th May 1910.

55. SRO, CDB Files, AF 42/7371, MacKintosh to the CDB, 7th June 1910; Scottish Office to the CDB, 8th June 1910; AF 42/7570, Cook to MacGregor, 28th August 1910; AF 42/7574, MacKintosh to CDB, 23rd August 1910; SRO, Crofting Files, AF 67/369, Scuddaburgh Land Raid.

56. SRO, CDB Files, AF 42/7652, Pentland to MacGregor, 24th September 1910; *Scotsman*, 23rd September 1910.

57. SRO, CDB Files, AF 42/5344, SE&G to Henry Cook, 16th October 1908; AF 42/5318, Scottish Office Engineering Dept to CDB, 7th September 1908, with photographs of

these houses.

58. Fraser Grigor, *Crofters and the Land Question*, II, 88.

59. For details of these raids see Hunter, *Crofting Community*, 192.

60. SRO, CDB Files, AF 42/7829, Minute by Angus MacKintosh, 7th January 1911.

61. Notably, A.S. Mather "Government Agencies and Land Development in the Scottish Highlands: A Centenary Survey", *Northern Scotland*, 8, (1988), 39-42: Mather, "The CDB for Scotland", in *Essays for R.E.H. Mellor*, Ritchie et al (eds), 196-200.

62. Micks, *An Account of the CDB of Ireland*, 151.

63. *CDB Annual Report, 1906-1907*, v.

CHAPTER SIX.

The Small Landholders (Scotland) Bill, 1906 to 1911.

Following the general election of January 1906, Sir Henry Campbell Bannerman was able to form the first Liberal Government to have the security of a comfortable majority for 20 years. The figures were, 134 Conservatives with 23 Liberal Unionists compared to 376 Liberals and 54 Labour MPs. The Liberal dominance was equally clear in Scotland with 58 Liberals from the 72 Scottish Constituencies.¹ The House of Commons was said to have a new and serious outlook with its many new Liberal members. Campbell Bannerman was able to rebuke Arthur Balfour, the Unionist leader, for attempting to carry his old fashioned debating style into the new era.

In December 1905, during the general election campaign, the Prime Minister had declared at a large Liberal rally in the Royal Albert Hall, London, that he wished to make land "less of a pleasure ground for the rich and more of treasure house for the nation". This was a somewhat vague commitment, but a commitment nevertheless, to land reform. On the strength of this, as well as other factors, the Liberals reversed the Unionist advance in the Crofting Counties which had been evident at the general election of 1900. Liberal Unionist defeats in Argyll and Sutherland, and a Conservative defeat in Inverness-shire ensured a clean sweep of the Highland constituencies for the Liberals. This was emphatically a "Liberal" victory with none of the successful candidates describing themselves as "crofter" or even "Liberal/Crofter" candidates. This was the logical culmination of the process which had begun in the mid 1890s with the Highland Land League moving into the wider political arena and moving closer to the Liberal Party, losing its identity and its unity in the process.²

Over the period which passed before the Small Landholders (Scotland) Bill became law John Sinclair, the Secretary for Scotland, would often be accused of acting without any authoritative information to substantiate his claims. Nevertheless, it is worth examining the influences which led to the drafting of the Bill. In 1903 he had received a lengthy memorandum from the widely respected Chairman of the Crofters' Commission, David Brand. He enumerated the benefits which nearly two decades of administration of the Crofters' Act had brought to the Highlands. He

advocated extending the Act in a number of particulars. Parishes in other counties where crofting conditions existed should be admitted to the Act. Sir George Otto Trevelyan's abortive crofter's Bill of 1895 had attempted to do this. In addition, leaseholders should be given protection under the act. The Congested Districts Board should be invested with compulsory powers of acquisition of land to ease its task of relieving congestion. Brand strongly argued that the Crofters' Commission and the CDB should retain separate existences as they had different functions to perform. Most importantly, Brand felt that the enlargement provisions of the Crofters' Act were too limited, and conditions, such as the need for a group of five crofters to apply together for an enlargement, should be relaxed. The second identifiable influence on the development of Sinclair's ideas on the land question was the report of a commission of farmers and other agricultural experts who had visited Denmark in 1904. The proportionally large rural population of that country favourably impressed Sinclair, as did the efficiency of its agriculture and the social condition of small holders. A well structured system of agricultural education and the importance of the principle of cooperation lay behind these successes.³

These influences have been accepted uncritically in a recent discussion of the origins of the Small Landholders (Scotland) Bill.⁴ It is important, however, to note the points where Sinclair's scheme diverged from these recommendations. Brand's opinions were as much concerned with ensuring a continuing role for his Crofter's Commission, which by 1903 was running out of judicial work to do. Nevertheless, on no occasion did he argue that crofter tenure should be extended to the rest of Scotland in a general sense. He confined himself to echoing the contents of the 1895 Bill. The connection between the Danish report and the Small Landholder's (Scotland) Bill is even more tenuous. It was made clear that, apart from education and cooperation, the factor which stimulated rural prosperity in that country was peasant proprietorship. Statutes of 1899 and 1904 empowered the state to grant 90 per cent loans for small holders to purchase land.⁵ It would seem that Sinclair's espousal of dual ownership rested, not upon expert opinion but upon the dictates of Liberal ideology. Land purchase in Scotland had traditionally been rooted in Conservative thought. His rejection of it was based on that fact as much as his protestations about the expense to the state of such a policy. The argument was also used that the demand for purchase did not exist and the experience of the CDB was used as evidence.⁶ This was a difficult argument to sustain. The failure of the CDB

and the lack of popularity for the policy of purchase were self fulfilling prophecies once the Liberals came to power pledged to abolish both the policy and the institution. These points lead to the conclusion that the Small Landholders (Scotland) Bill was an intensely ideological measure only tenuously based on informed analyses of the land problem in the Highlands and beyond.⁷

The Small Landholders (Scotland) Bill was introduced on the 28th of July 1906. The bill had been heralded in the King's Speech in February and, despite the complexity of the issues, by the middle of the year there was some impatience that it had not been forthcoming. Indeed, it would seem that the question did not receive serious consideration by the cabinet until May when the question was discussed and a committee established.⁸ The Scottish Secretary, John Sinclair explained its principal elements to the House of Commons. It was based on the Crofters (Holdings) Act of 1886, but with some important amendments. It was to apply to the whole of Scotland, not merely the crofting counties. Principally, these changes concerned the procedure for extending existing crofter holdings and creating new ones. The 1886 condition for the necessity of 5 applicants was abolished, as were some of the restrictions, limiting available land under section 13 of the 1886 Act. Under the crofters Act the qualifying rental had been £30, under the new Bill any holding with a rental of less than £50 was to be subject to its provisions. However, the most contentious parts of the Bill were the compulsory provisions for creating new crofter holdings. New institutions were to be set up to oversee the creation of the new holdings, if they failed to secure agreement with the proprietors an element of compulsion could be introduced. The government were to provide the finance for the equipment of the new holdings.⁹

The government was keen to point out the successes of the Crofters' Act to give it substance as a basis as a model of land tenure for the rest of Scotland. An independent report written by, amongst others, Ronald Munro Ferguson and several members of the Commission which had visited Denmark in 1904, cast doubt on this premise. Their principal conclusion with regard to the operation of the Crofters' Act since 1886 was that although it had undoubtedly improved housing conditions and removed the sense of grievance which crofters had felt prior to 1886, conditions in the crofting counties were still primitive. In particular, agricultural practice, despite the best efforts of the Crofters' Commission and the CDB, was still backward. They concluded that the improvement which was evident was based on the capital provided by the offspring of crofters working in the South. Elsewhere, Munro Ferguson argued that the establishment of dual ownership in the crofting counties

had been no more than a recognition of the *de facto* situation. It was the case that the crofter provided his own improvements and equipped his own holding. This was not for any deeply rooted historical or cultural reason but due to the simple economic fact that they were worth so little there would be no investment value for a proprietor in providing them.¹⁰

Not only the special circumstances of the crofter but also the particular demands of the time were used to invalidate the government's use of the 1886 Act as a basis for new legislation. The agitation of the 1880s created a political imperative for crofter legislation. There was no such clarity of demand from tenants in the Lowlands in 1906. Further, the historical bases of the Crofters' Act were held to be critical defining characteristics. Despite the vague definition of these in the Act they were not perceived as an encroachment on landowners' rights in the same way as the provisions of the new Bill. These criticisms carry substantial weight. The government found it difficult to provide evidence that the landlord-tenant relationship outside the crofting counties was in need of such drastic reform as they proposed. Indeed, modern historiography has confirmed the validity of this contemporary impression in certain regards. It has been argued that the peasantry of the Northeast, who shared at least some characteristics with Highland crofters, missed their opportunity to secure protection in 1886 by failing to independently articulate their case to the government. Unfortunately, Trevelyan's 1895 bill (see chap 3), which would have given them crofter tenure did not reach the statute book. According to a recent historian the Small Landholder's Scotland Bill "gave too little protection and was much too late". In addition the government did not really succeed in moving the debate into a new context with their arguments concerning the national benefit to be gained from the creation of new small holdings.¹¹

It is important to put this bill in the context of the debate on Highland policy over the previous two decades. Some have argued that it was based on the "precedents" of the statutes of 1886 and 1897.¹² This is to misunderstand the important differences between these two acts and the contents of the new bill. The 1886 Act was based on the basis of "dual ownership" or "compulsory hiring", to use the contemporary terms in which it was described. That is to say, the crofter was still a rent paying tenant of a proprietor. However, he had security of tenure, the right of compensation for improvements and the right to appeal to the Crofter's Commission to set a fair rent for the holding. The 1897 Act, on the other hand was based on the concept of land

purchase. The aim of the act, although it remained largely unfulfilled, was that the crofter would cease to be a tenant and become an owner occupier. The new bill was a direct repudiation of this concept and an attempt to strengthen and extend the provisions of the 1886 Act. As Sinclair's biographer as written;

As regards the formation of new holdings, like most Liberals at that time, he was not anxious to obtain the necessary land by purchase, because he did not want to turn the smallholders into peasant proprietors or tenants of a government department.¹³

Its introduction was greeted by heavy criticism of the drafting and the substance of the bill. In particular, there was some surprise that the government had resorted to the concept of "dual ownership", and ill concealed horror that such a concept was to be extended beyond the Crofting Counties. It was argued that the system had worked only patchily in the Highlands and not at all in Ireland. Despite these criticisms, Scottish ministers attempted to convince the Prime Minister that it was proving popular in Scotland. Thomas Shaw the Lord Advocate wrote that it was being received with "positive enthusiasm". Finally, it was attacked on the grounds that it did not stem from any thorough investigation of the Scottish land problem. Indeed, it does seem peculiar that Sinclair did not wait for the report of the Departmental Committee which was investigating the subject of small holdings.¹⁴

This Committee, which included amongst its members, the Liberal MP and Easter Ross landowner R.C. Munro Ferguson, reported in December 1906 some months after the introduction of the Small Landholder's (Scotland) Bill. It was certainly in favour of government action to meet the perceived demand for the creation of more small holdings. However, the Committee was certainly not in favour of action in the direction advocated by Sinclair in his bill. They were of opinion that a system of dual ownership would detrimentally affect the "sense of responsibility which should accompany ownership". In their view, it would be impossible to administer in the face of proprietorial opposition and would lead to insecurity among farming tenants outside the crofting counties. With these factors in mind they concluded;

Experience has proved that a system of dual ownership of land is one which, under ordinary economic conditions, cannot be permanent, and while it lasts, is fatal to the proper maintenance of holdings, to harmony between landlord and tenant, and to the prosperity of agriculture.

This provided ammunition for critics of Sinclair who felt that he was flying in the face of informed opinion.¹⁵ The Bill was withdrawn from the 1906 session through pressure on the parliamentary timetable. It was reintroduced the following year. This marked the beginning of the real debate on the fate of the Bill. It is important not only to examine the course of events throughout the lengthy period up to the Bill's passage in 1911, but also to examine the arguments which the government used to defend the bill. The debate has often been crudely characterised as conflict between the Liberals on one hand and the Conservatives and the House of Lords on the other.¹⁶ It will be shown here that the politics were considerably more complex than this portrayal suggests. Opinion on the Bill cut through the Liberal party and the cabinet. Further, the country was divided geographically along the Highland line. This division cut across both party and social lines with an alliance of sorts arising between the Highland MPs, the representatives of the proprietorial interest in the House of Lords and the newly formed Scottish Land and Property Federation.

II

In the 1907 session the Bill was introduced, in an unchanged form, to the Commons in March. After a second reading in April it was sent to the Lords in August only to be rejected by a majority of 162 to 39. This session saw most of the arguments which had been used in the debates of 1906 develop further. The main argument which the government used to defend the Bill demonstrated their attempt to emphasise the fundamental nature of the land problem in society. The main objective of the Bill was to halt rural depopulation and hence temper overcrowding in urban areas. The secure tenure and capital incentives offered in the bill were designed to retain the existing rural population on the land, with the increased facilities for creating new holdings to provide opportunities for new generations of small holders. The theory was to create small holdings of a sufficient size to deal with congestion and deal with the cottar problem.¹⁷ There was a tendency to idealise the small holder and the small holding as progressive forces in society. This idea that the land problem could be manipulated to achieve desired social ends was not particular to Scotland at the time. As far away as Russia, Tsar Nicholas II's Chief Minister, Peter Stolypin, held similar views. His conception of the land problem was similar in some respects to that of the Scottish Unionists. In the aftermath of the 1905 revolution in Russia,

Stolypin sought to create an independent peasant class which he hoped would be "defenders of order, a support for the social structure". He argued that such people would have a sufficient stake in society to become opponents of revolutionary ideologies. He stated;

I propose that, first of all, it is necessary to create a citizen, a peasant owner, a small landowner, and the problem will be solved. Citizenship will reign throughout Russia.¹⁸

1907 also saw Small Holdings legislation passed for England. Lord Carrington the President of the Board of Agriculture, under the influence of Lord Ripon, the aged leader of the House of Lords, produced a moderate Bill. It left the administration of the new procedures for creating small holdings in the hands of county councils and did not interfere with the relations between the proprietor and his new tenants. Carrington had acted astutely in waiting for the Departmental Committee on Small Holdings to report, as one writer has said "out of politeness", not because of the weight of its likely recommendations.¹⁹ However, in doing so he could not be accused, as Sinclair was, of producing a baseless bill. Nevertheless the importance of this report as a foundation of the legislation should not be exaggerated as it recommended purchase for small holders. This Act has generally been well received but it is interesting to note that members of the CDB who visited England to report on the workings of the Act in 1911 were not favourably impressed. They reported that the price paid for the holdings was excessive and the improvements were proving to be similarly expensive.²⁰

This bill is important due to the contrast it provides in the ease with which it went through Parliament. Further, the Unionists argued that since the agricultural conditions in Lowland Scotland were similar to England the procedures could be applied there. This was felt to be preferable to the bill which would in effect extend crofting tenure to the Lowlands. Arthur Balfour put this point in reply to Sinclair in parliament;

Anyone with even the most superficial acquaintance with the facts of the case knows that the difference between Berwickshire and Northumberland is incomparably less than than the difference in farming between Berwickshire and the crofting counties of Scotland.²¹

Added to this Unionists often expressed a worry that because of the similarity between the conditions in Lowland Scotland and England, the provisions of the Scottish Bill could not logically be confined to Scotland. This idea of the "crofterisation" of the entire UK can best be understood as a scare tactic to stir up opposition to the Scottish Bill. The statement was often made but the mechanics of how the much feared process was to take place was never fully explained.²²

These were not arguments confined to the Conservative ranks in the Lords. Lord Rosebery, the former Liberal Prime Minister, and still nominally of that party, pursued them vigorously and to the embarrassment of his former colleagues. He described crofting as the most "backward " agricultural system in the country and pointed to the absurdity of extending it to an area where he felt the agricultural system was unrivalled.²³

Opposition to the terms of the Small Landholders Bill was not confined to ageing and fractious politicians. Much expert agricultural opinion was opposed in particular to the idea of extending crofter tenure to the lowlands. The Scottish Chamber of Agriculture consistently opposed the terms of the Bill. This organisation should be seen as much as a repository of Unionism as of agricultural expertise, composed as it was of factors, landowners and tenant farmers. They complained that the terms of the Bill would discourage investment in Lowland agriculture. Much was made of the supposed failure of dual ownership in Ireland. This was a difficult argument to counter as both parties had introduced land purchase measures in Ireland. The government attempted to do so by pointing out that the Scottish Bill did not provide for free sale, a critical component of dual ownership.²⁴

Certainly, the Liberals were encountering massive problems with their Scottish land legislation in the Lords. This problem was also encountered with other pieces of legislation produced by the government. It has been noted that the Lords did not attack Liberal legislation indiscriminately. Major social legislation had been passed in 1906, most importantly the Workman's Compensation Act. This would suggest that the Lords were operating tactically rather than ideologically. They tended to pick on soft targets, bills which lacked support from important sections of the Liberal constituency, like Birrell's Education Bill of 1906, which was unsatisfactory to non conformist opinion. As has been noted in a study of Campbell Bannerman's premiership the problems encountered with the legislative programme were also the "result of powerful restraining forces among the Liberals themselves".²⁵

The "restraining force" in the case of the Scottish land bill was the paucity of support for it within the cabinet. Knowledge of these problems was certainly not confined to the privacy of the cabinet room. Lord Hamilton of Dalzell had resigned from his position in charge of Scottish business in the Lords as he felt he could not involve himself with the Small Landholders bill.²⁶ Sinclair, despite the support of his long time political ally Campbell-Bannerman, felt himself increasingly isolated in cabinet by the autumn of 1907. He felt that only Asquith and Lord Loreburn, the Lord Chancellor were sincere supporters of his measure. R.B. Haldane, the Secretary for War felt that half the cabinet were opposed to the Bill and only Sinclair and the Prime Minister were wholeheartedly for it.²⁷ There had been an attempt to rally Liberal opinion behind the Bill in the summer of 1907. The Scottish Liberal Association, the voluntary wing of the party, organised a special conference in Perth to draw attention to the Bill. It was an undoubted success in terms of the turn out, with every constituency in Scotland represented. The political advantage was somewhat muted, however, with the Master of Elibank forced onto the defensive in his speech to counter rumours that the Bill was about to be dropped by the government. He attempted to introduce a more positive note by arguing that "it was the fixed and settled determination of the Government" to proceed with the bill.²⁸ Liberal divisions were completely exposed in November when Lord Tweedmouth, in a speech at the same venue, stated that while he was not "lukewarm" about the Scottish Small Landholders bill, as he had been accused, he did prefer the arrangement of the English bill which left the creation of new small holdings in the hands of the local authority. This incensed the normally amiable Sinclair who wrote to Tweedmouth in the strongest terms pointing out that his speech had made the government "appear ridiculous and contemptible". In this he had the support of the faithful, but by now ailing, Campbell Bannerman, who felt the situation to be "nasty". Not the least embarrassing aspect of Tweedmouth's position was its coincidence with that of Rosebery.²⁹

The second defeat of the Small Landholder's Bill in the Lords left the government in a difficult position. By now it was clear that the Lords and the Conservatives objected to the extension of crofter tenure to the lowlands. Throughout 1908 pressure would be exerted on the government to divide the bill and make special provisions for the Highlands. As early as 1907 Balfour had argued that the Highlands would suffer if the Bill was rejected out of hand. The Unionists did not accept the radical conception of the land problem shared by the Liberals but they did accept that the Crofter Acts were in need of modification and some new Holdings could safely be created. The events of 1908 would see the government accused of using the Bill to

deliberately escalate the confrontation with the House of Lords and ignoring opportunities to settle for legislation which would deal with grievances in the Highlands.³⁰ The position of government institutions in the Highlands was becoming increasingly difficult. The Crofters' Commission and the Congested Districts Board were aware that their abolition was being attempted, but were equally aware that it would not be effected quickly. This was a particular problem for the CDB who were now required to support a policy different from that which it was constituted to implement.

III

The next section of this chapter will examine the important events of 1908. The position of the government with regard to the crofting counties will be examined, and the relationship between the MPs for those counties and the government will be scrutinised. The interesting position of the Scottish Land and Property Federation and the initiatives it took through its representatives in the House of Lords and in conjunction with the MPs for the Crofting Counties are especially worthy of consideration given the prevailing view that the debate on the Small Landholders Bill was characterised by complete confrontation between crofter and landlord, Liberal and Unionist.

There was surprise among Unionist opinion when Sinclair produced his Bill, largely unchanged, for a third time in February 1908. Many felt that the government was not so interested in attempting to pass land legislation as providing targets for the Unionist majority in the Lords in order to fuel the confrontation between the two houses and further the case for constitutional reform. In presenting the Bill to the Commons, Sinclair reached new heights of rhetoric in describing the benefits to be gained from an increased small holding population. He spoke of the "physical deterioration" of the nation stemming from rural depopulation and the consequent loss of industrial efficiency and military effectiveness. On a more practical level he tackled the problem of the consequences of the bill for the concept of ownership of land, arguing;

This Bill does not touch in any shape or form the question of ownership of land. It deals solely with conditions of occupation by the cultivating tenant.³¹

Whether this represented an attempt to make the debate more vociferous by deliberately annoying the Conservatives, or a genuine misunderstanding on Sinclair's part of the way his Bill was perceived, is unclear. Certainly, the ongoing Vatersay dispute (see chap 5) indicated that Sinclair was unable to appreciate that landowners felt the procedure of creating small holdings with security of tenure under an existing proprietor to be an imposition which would have a deleterious effect on other parts of their estates. He found it difficult to understand why proprietors should prefer the government to purchase land if new small holdings were to be created. Lord Lovat wrote privately of Sinclair;

he regards a farm like a block of buildings up a street, and cannot see why if one feu is let, why it may alter the value of other similar feus, in fact he fails absolutely to grasp the point.³²

Rightly or wrongly landowners, particularly outside the crofting counties felt that the creation of protected tenancies on their land, possibly against their will and with inadequate compensation was an infringement of their rights of ownership. Their power to set a rent for a holding or evict an unsuitable tenant was placed in the hands of the Land Commission which the Bill proposed to set up. This perception was prevalent in the crofting counties. On the MacKintosh estates, at Moy and Brae Lochaber in Inverness - shire, the Bill was strongly deprecated for going far beyond the terms of the 1886 Act and any amendments which that Act required. The principal criticism was the fact that it would enlarge the rights of the tenant and abridge those of the landowner.³³

It was noted that the essential difference between the Highlands and the Lowlands was that in the former the equipment on a croft was provided by the tenant, so it was right that he should be compensated if he left the holding. However, in the Lowlands the improvements were made by the proprietor who owned them and to whom they reverted when a lease fell in. Consequently, there was no call for compensation to the tenant. Indeed by settling protected tenants on holdings which had been equipped by the proprietor was a definite infringement of his rights. On the other hand, the Liberal conception of ownership was more simple, tending to see land as absolute property unaffected by the type of tenants it was leased to. Sinclair himself argued in the Commons;

The land remains the property of the landlord, to sell, to bequeath, or to mortgage. He retains his mineral, his timber and his sporting rights. He is to get fair rent for it equipped as it is, and a fair rent for his capital. His capital and his improvements are protected by statutory conditions which he can enforce and which the land court are bound to help him enforce.³⁴

It was often argued that the effect of introducing dual ownership to the Lowlands would be to provide a disincentive for proprietorial investment in agriculture. Those opposed to the bill argued that a landowner was unlikely to invest in improving land if there was the possibility of it being used for the creation of small holdings possibly against his will. On the other hand Liberals were keen to point out that the operation of security of tenure in the Highlands had had the effect of releasing the tenants capital. Freed from the threat of eviction the crofter had the security to spend money improving his holding and especially his housing conditions. This process would be duplicated in the Lowlands if the Bill was passed. The Master of Elibank argued;

security of tenure seems to me to call forth the best characteristics of the Scottish race; and if can make the people prosper surely the land will prosper likewise.³⁵

Faced by the overwhelming Conservative dominance of the House of Lords these arguments were academic. The Bill was rejected a third time in March 1908. Sinclair's problems increased in April when Campbell Bannerman resigned as Prime Minister and died three weeks later on the 22nd. Regardless of the relationship with his successor, Sinclair would never be as close to the new premier as he had been with Campbell Bannerman. As his biographer put it "the frank and friendly days with C-B were over."³⁶ Although publicly the new Prime Minister, Asquith, was committed to the Bill there is evidence to suggest that he did not accord it such a high priority as his predecessor. Certainly, there was no immediate reintroduction of the Bill and as late as October 1909 Asquith informed Scottish Liberals that while he saw the need for land reform he did not propose to "make a pronouncement as to time and place". Asquith was well aware of the divided nature of the party and the cabinet on this issue and did not want to exacerbate the situation by forcing the Bill on reluctant colleagues.³⁷

The situation in 1908 changed as far as the Highland MPs were concerned. They had seen Highland land reform linked to an unpopular general measure for Scotland which stood little chance of becoming law before a general election and constitutional reform. Fearful of facing a Highland electorate with nothing to show in the shape of land reform, they began to take steps to secure a measure specifically providing for the crofting counties. Unionist opinion in the North was amenable to such a move feeling that the Liberals had cynically neglected the interests of the Highlands for the purpose of engineering a dispute with the House of Lords. The *Northern Chronicle*, an Inverness newspaper with a distinctly Conservative editorial line asked;

When are the crofters to see that they are used as pawns in a political game in which they are not interested.

The *Scotsman* bemoaned the Liberals "sacrifice" of the interests of Scottish agriculture and Highland grievances to "purely political tactics". Realistically, this should not be seen as a new found concern for the Highlands on the part of the *Scotsman*, merely a stick with which to beat the Liberals.³⁸

Lord Lovat, a Conservative Peer, had introduced a Bill in the House of Lords in February 1908. It was limited to the crofting counties, and provided for the merging of the Crofter's Commission and the CDB, both of which he argued were moribund, to create a new Land Commission which would have increased powers to settle crofters and create new holdings. He justified the introduction of another land reform Bill, while a government measure was before parliament, by the existence of a cross party Highland consensus on the issue. Further, he felt an individual initiative was necessary as he had no confidence in the government to listen to the claims of the Highlands as the effect of its actions so far had been "to sacrifice Highland interests in order to conjure up and strengthen an abortive attack on the House of Lords".³⁹ However this was not purely an attempt to head off Liberal attacks on the House of Lords, although that objective existed, as the involvement of most of the crofter MPs in the effort to gain separate legislation for the Highlands demonstrates.

A memorial (see Appendix II) had been sent to the Prime Minister, signed by 18 MPs including 5 of the 6 MPs for the crofting counties (the exception was John Dewar of Inverness Shire). They pointed out that the Small Landholders (Scotland) Bill would not pass until "grave constitutional issues have been decided". They went on to echo Lovat in his contention that a cross party consensus existed on the

principles of land reform for the Highlands. They demanded a conference between the Commons and the Lords on the land issue and intimated their support for a private members Bill prepared by the member for Orkney and Shetland, John Cathcart Wason. The government rejected the idea of a conference between the two Houses despite the fact that such meetings had been part of Asquith's preferred method of settling disputes.⁴⁰

However, there were some Liberals who stuck to the party line, John Dewar the MP for Inverness shire was one, and Rev Malcolm MacCallum, a former Deer Forest Commissioner was another. They felt they would be deserting the lowlands if they argued for separate Bills. In general, the Liberal government declared their support for the structures in the Small Landholders Bill, no doubt they were concerned that should they do otherwise it would be regarded as defeatist. Nevertheless, such a line allowed them to feel, in the words of a Labour Movement commentator, that they had escaped from an "awkward situation".⁴¹ Despite this, a private meeting took place under the auspices of the Scottish Land and Property Federation, with Lord Lovat and the Liberal MP for Argyll shire, J.S. Ainsworth present. At this meeting the MPs were said to have expressed general agreement with the contents of Lord Lovat's Bill. Their action in sending the memorial to Asquith and generally agitating for separate Bills bears out this contention. Another Highland landowner and prominent Conservative, the MacKintosh of MacKintosh, was told;

Weir, Morton & Co (MPs for Ross-shire and Argyll-shire respectively) are furious with the government, and think that Sinclair has sacrificed them and their crofter constituents to his desire to make a big splash himself.⁴²

The thesis that the best way to secure progress for the Highlands was to argue for separate legislation found some support in the government institutions in the Highlands. This is not surprising as these bodies had to deal with the practical consequences of the legislative delays. William MacKenzie, Secretary to both the Crofter's Commission and the CDB, wrote of the "clamant need" of legislation for the Highlands and admitted that the case for the lowlands "was not so pressing", he concluded;

There were good provisions in Lord Lovat's Bill of last year. In view of that fact I cannot think that the Lords would reject a reasonable government measure.⁴³

These events are important, not because they yielded any progress, none of the incipient private member bills proceeded very far, but because of the light they shed on the state of opinion on the land issue. Studies of the controversy have uniformly given the impression that the issue was a straight fight between Liberals in one camp and Unionists and proprietors in the Lords in the other. One has written of the "total opposition" of the House of Lords to land reform, and of the Liberals "good intentions" for the Highlands, while another has fulminated against the "hegemony of lairds" in Parliament.⁴⁴ As has been shown above, the issue was far more complex. The opposition of the Unionists and most of the proprietors in the Lords was not total, but conditional. They were prepared to see reform of the 1886 Act in the Highlands and extension of the provisions of the more moderate English Small Holdings Act to the Lowlands of Scotland. In addition, the Liberal party was split at almost every level from the cabinet down, on the best way to tackle the land issue. This was recognised by the Master of Elibank when he refused to let a deputation of Scottish Liberals see the Prime Minister on the grounds of the "divided state of the party"; if one deputation was allowed access others arguing for different policies would demand similar treatment.⁴⁵ Liberal division was countered by a Highland coalition crossing party and social lines, which pointed out to the government the importance of settling outstanding Highland grievances immediately.

There is also to be taken into consideration the fact that the rejection of the Small Landholders (Scotland) Bill caused many problems on the ground in the Highlands. Lord Lovat and others had argued that institutions such as the Crofter's Commission were moribund. However, it is important to understand why. In the case of the Commission its most important work, that of revising rents, had been completed. However, this could not be said of the Congested Districts Board, and they made clear in 1907 that it was the existence of a Bill for their abolition that was the main factor which restricted their activities. Of course, when the Board made this statement they were not to know that the Bill would not pass until the end of 1911. Thus they had to work for 5 years at a reduced level of intensity, while the problems which they had been constituted to deal with continued to proliferate (for a detailed discussion of this see chap 5).⁴⁶

The attitude of the government and the crofters in the disputes in the Southern Hebrides and Kilmuir were heavily influenced by the ongoing Parliamentary controversy over the Small Landholders Bill. Lady Gordon Cathcart was able to fight a successful rearguard action against the government's attempts to involve her

in a scheme based on the provisions of the Small Landholders Bill. She was strongly opposed to such a course of action and was in a strong position to defend her point of view as long as the Bill was not passed. She was able to set the agenda for the debate and introduce her own conditions at any time because the government had no legislative structure to back up their arguments.⁴⁷

IV

1909 saw John Sinclair elevated to the House of Lords with the title Lord Pentland. Asquith assured him that the reason for the move was to redress the lack of effective government management in the Lords. Sinclair felt that there was more to the move. He resented his removal from the Commons. His biographer described it as akin to "vanishing from real political life". It was certainly the case that Sinclair had made few political allies with his persistent advocacy of the Small Landholders (Scotland) Bill. Given his close association with this Bill it would have been inexpedient of Asquith to dismiss him before it reached the statute book. The impression that Sinclair was regarded as a necessary, rather than an integral, member of the cabinet is strengthened by the fact that he was dismissed almost as soon as the Bill was passed, in February 1912.⁴⁸

1909 and 1910 were dominated by the larger dispute with the House of Lords over the budget of 1909. The two general elections of 1910 saw the Liberal vote hold up in the Crofting Counties while it was being eroded elsewhere. Indeed, the Liberals performed better in Scotland than at any time since 1885 and once again swept the crofting counties. This performance was not matched in rural England where there was a marked swing back to the Unionists, leaving Liberal strength concentrated in industrial areas.⁴⁹ Many felt that it was support for the Scottish land legislation which kept the Liberal vote so healthy in Scotland. Certainly, land was one of the major issues at both elections. The Unionists fought them on a land policy of affording purchase facilities through local government to existing small holders and granting amendments of the crofter's act where necessary. This policy was distinctly unattractive despite the undoubted unity of the party behind it. Nevertheless, both in Scotland and south of the Border, Unionists were in little doubt that it was the land issue and widespread distaste for landowners which had lost them the election in Scotland. Austen Chamberlain candidly admitted that as long as land was an election issue his party would have little success in Scotland.⁵⁰ The Liberal Party succeeded in polarising the land issue in its favour. The traditional Scottish antipathy to the landlord was skillfully exploited by invective against the "House of Landlords", who

were portrayed as the culprits in holding up the Small Landholder's (Scotland) Bill. This argument was very successful despite the best efforts of the *Scotsman*, which pointed out "it is the Secretary for Scotland not the House of Lords that is responsible for the lack of any new legislation on the Highlands".⁵¹

Although Scottish land legislation was off the agenda from mid 1908 to mid 1911, 1910 provides an interesting footnote on the depth of the Liberal commitment to the cause of the small holder. The death of Edward VII in May 1910 led to the Liberals and the Conservatives convening a conference on constitutional issues to prevent the necessity of forcing a crisis on the new monarch. By the middle of the summer this conference was deadlocked. David Lloyd George, the Liberal Chancellor of the Exchequer, produced a plan for a coalition government which would circumvent constitutional issues and press on with the work of social reform. This was very much an individual initiative without the explicit blessing of Asquith. It is interesting in this context because Lloyd George produced a lengthy paper laying out the basis for such a coalition and included in it a section on land reform. He argued, "the small holdings craze is of a very doubtful utility" and went on to point out the lack of agricultural expertise among small holders, before concluding that a system of "farming on a large scale with adequate capital" would be the system most worthy of state support.⁵² The incipient coalition did not materialise, but the memorandum demonstrates that another member of the Liberal cabinet was lukewarm in his commitment to the idea of extending small holdings. Although the object behind the memorandum, to attract Unionists to a coalition, should be kept in mind when considering the views of Lloyd George it does show in the words of one historian that he "regarded the small holding programme as politically divisive and economically dubious".⁵³

V

Given the controversy generated when it was first introduced in 1906 and continuing down to the second rejection by the House of Lords in 1908, it is curious to find that the Small Landholders (Scotland) Bill was passed without acrimony in 1911. This is an apparent paradox which has not been adequately discussed. Even the most perceptive commentator on the subject allots only a paragraph to the events of 1911, hinting that it was "the destruction of the Lord's Veto" which secured its successful reintroduction. Another monocausal explanation has been provided by a more recent writer who ascribes its passage to "public pressure".⁵⁴ These are certainly pertinent points. However, there are others to be considered, notably, the circumstances and

rhetoric which accompanied the reintroduction of the Bill. It was introduced as a private members bill by Sir Donald MacLean, the member for Peebles, and Arthur Murray of Elibank.⁵⁵ This fact set the tone of the subsequent deliberations at a less intense level than had been the case in the 1906 to 1908 period. This was evident in the House of Commons at the second reading stage in June 1911, when the Lord Advocate declared;

We are in a judicial frame of mind. We have learned a good deal during the last few years. I think we are prepared to meet each other on fair and even friendly terms. I hope the promoters of this Bill will not dwell unduly upon the new heaven and new earth that we sometimes hear predicted of land measures.

Even the acerbic and individual Liberal member R.C. Munro Ferguson, chose to remark on the beneficial effects of the more consensual style of debate which had emerged on this issue.⁵⁶

Nevertheless, changes in tone, by themselves, would have been insufficient to bring about the rapid settlement which occurred. Changes in the substance of the Bill proved to be instrumental in this regard. Two such changes stand out. Firstly, in the case of compensation claims amounting to more than £300 the landlord was accorded the right to call in an independent arbiter. Secondly, and more importantly, was the creation of a new category of tenants, to be known as "statutory small tenants". As noted above, one of the principal problems with the 1906 to 1908 Small Landholders (Scotland) Bills, had been a worry that the provisions of the Crofters Holdings (Scotland) Act were to be uncritically extended beyond the crofting counties. Clause 32 of the 1911 Bill went some way to dealing with this problem. It redefined, and extended crofter tenure beyond the crofting counties. Yearly tenants of holdings of less than 50 acres, or holdings rented at less than £50 were to be known as "small landholders". They were to have security of tenure, the right to have their rents fixed by the Scottish Land Court, and the right to be compensated for their improvements when they left their holdings. Statutory small tenants were those, mostly outside the crofting counties whose improvements had been paid for by their landlords. They were admitted to the partial protection of the Act. This politically necessary compromise on the differing conditions between the crofting and non crofting counties was unpopular among the more doctrinaire Liberals, such as J.A. Bryce, MP for Inverness Burghs. They regarded it as an unnecessary admission of error in earlier versions of the Bill.⁵⁷

As has been noted by Brown, the new limitations faced by the Lords played a part in this process. In the period 1906 to 1910 they had selectively disrupted the Liberal programme, attacking vulnerable legislation. The Parliament Act invalidated such a tactic. Rather than opposing the bill outright without any hope of success, the Lords, and the opposition generally, took a more constructive attitude. By judicious argument at the Committee stages in both Houses they were able to extract some concessions. One notable success surrounded the administration of the Contagious Diseases of Animals Act. In the interests of effective action in this important area, responsibility for dealing with notifiable diseases was not devolved to the new Board of Agriculture for Scotland. Rather, it was retained by the Board of Agriculture and Fisheries in London, to be administered on a UK wide basis. With such small changes the opposition accepted the inevitability, if not the complete desirability, of the Bill's passage and allowed it to pass without a division.

The Small Landholder's (Scotland) Act made important changes to preceding land legislation and codified a series of Acts which now became known as the Small Landholders (Scotland) Acts, 1886 to 1911. The Crofter's Commission and the CDB were abolished, after a profoundly unsatisfactory 5 year hiatus in their work. Their roles taken on by the Scottish Land Court (SLC) and the Board of Agriculture for Scotland (BoAS). The most important changes which were made to the 1886 regime concerned the machinery for extending the area under small holding tenure. The limited provisions of the 1886 Act were replaced by an apparently radical process by which holdings could not only be enlarged but completely new tenancies could be established on privately owned land. The consent of the landowner would make the process simple, but, if this was not forthcoming BoAS could place before the SLC the necessary details and an element of compulsion could be introduced. In the event of a mutually agreeable scheme the landlord would be compensated by an amount decided by the SLC. If the claim exceeded £300 the claim could be settled by arbitration.⁵⁸

Under the 1911 Act a sum of £200,000 was to be made available for the purpose of Scottish land settlement. This was to be made up of £15,000 under the Agricultural Rates Act of 1896 and a further £185,000 to be voted annually by parliament. This was to be known as the "Agriculture (Scotland) Fund", and was principally to be used for equipping the new holdings created under the act. However, all

compensation claims and the administrative expenses of the Board had to be paid out of it. It is important to note that this sum was for the whole of Scotland and not for the exclusive benefit of the Crofting Counties, as had been the case with the £35,000 available annually to the CDB.

VI

One of the less important events of these controversial years was the creation of a new Highland Land League in 1909. Strongly critical of its predecessor's close ties to the Liberal Party the new League was based on the assumption that "official Liberalism has been the deadly enemy of the Highland proletariat". It proposed an alliance of crofters and workers to campaign for the nationalisation of the land and the advancement of Labour in the Highlands. Thomas Johnstone, editor of the ILP inclined newspaper *Forward*, came to the leadership of the League with a background as a trenchant critic of landlords. His propagandist critique of their social position, *Our Noble Families*, originally written for *Forward*, became a best seller. Nevertheless, the League could never hope to match the intensity of the crofter's movement of the 1880s. In the 1880s the depth of the perception of grievance in the Highlands was much greater than in the Edwardian period. Further, the movement in the 1880s had been strong at the grass roots whereas the new League was largely the creation of a small number of urban based activists. The new League was much more sectarian than its predecessor. The close ties with the Liberals were largely a feature of the post 1886 period when the original League was in decline. Prior to that, the strength of the movement had been its political independence.

The new League has been largely written off by historians. It has been condemned as "lacking in mass character", "ephemeral" in its impact and with only a small "Highland following". Its influence on the debate on the Small Landholders (Scotland) Bill does not suggest that this historiographical trend is in need of alteration. It singularly failed to break the Liberal monopoly in the crofting counties and its main policy of land nationalisation was not seriously considered by either of the main parties. In the event its pre war activities were limited to minor publishing ventures and abortive attempts to run candidates in the 1910 elections in Caithness.⁵⁹

VII

In terms of the ongoing debate on Highland policy the years 1906 to 1911 are significant for the Liberal advocacy of the idea of dual ownership and the specific rejection of land purchase and land nationalisation. The Small Landholders (Scotland) Bill attracted criticism from all quarters. Unionist opinion, notably in the concerted campaign by the *Scotsman*, was firmly against the extension of dual ownership to the Lowlands. Many Liberals, some of them landowners, like Munro Ferguson and Rosebery, were equally opposed to these provisions. Another portion of Liberal opinion, while committed to the concept of the multiplication of small holdings, was concerned that Sinclair's Bill was badly thought out and preferred the more moderate provisions of the English Smallholder's Act. Opinion in the growing Labour movement was not well disposed to the Bill either, condemning it for being insufficiently anti landlord. Finally, the majority of Crofter MPs were opposed to the attitude of the government to the Highlands. The feeling was that the Bill was being used to provoke the Lords and was not a sincere attempt to improve the lot of the crofter. As early as 1907 Thomas Shaw, the Lord Advocate, was discussing the Small Landholder's (Scotland) Bill in the context of the "coming conflict with the House of Lords". This demonstrates that if it was not deliberately employed to provoke the peers, leading Liberals were certainly aware of its disruptive potential.⁶⁰ The campaign of informed agricultural opinion in the form of the various landowners and factors organisations should not be underestimated.

The scale and diversity of the opposition to the Bill makes it difficult to consistently argue that ideological obstruction by the Unionist peers was the primary obstacle to its passage. This thesis can only be adopted after an uncritical acceptance of Liberal propaganda of the time, which skillfully portrayed the debate in these terms. Some Liberals argued in 1913, in debates on the Scottish Home Rule Bill, that it was the absence of a Scottish parliament which had delayed the passage of the Small Landholders (Scotland) Act for so long.⁶¹

Although Sinclair often referred to the Crofter's Holdings (Scotland) Act as an authoritative precedent for his proposals, it is difficult to argue that the Small Landholders (Scotland) Bill represented a serious, objective attempt to settle outstanding issues in the Highlands. Indeed, the perception that the Liberals were ignoring the crofting counties in favour of provocation of the upper House led to a tactical realignment of Highland opinion in 1908. Liberal MPs and proprietors from the Scottish Land and Property Federation came together to lobby the government

for separate Highland legislation. This further detracts from the simple Liberal versus Unionist, tenant versus proprietor, interpretation of the debate. It also damages the reputation of the Campbell Bannerman and Asquith governments, on this issue at least, as administrations prepared to sacrifice ideology for practical solutions. Above all the arguments for land reform in this period, whether articulated by Liberals like Sinclair, or Labour movement figures like Thomas Johnstone, took little account of the need for specific Highland policies. Rather they were based on nebulous ideas of the national benefit to be gained from rural regeneration.

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5. SRO, SLFP, GD 325/1/12, *Farming in Denmark*, 36-8; F. Skrubbeltrang, *Agricultural Development and Rural reform in Denmark*, (Rome, 1953), 213.
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CHAPTER SEVEN.

Land Settlement, 1911 to 1919.

After years of frustration during the protracted passage of the Small Landholders (Scotland) Act, 1911, expectations for land settlement were high. Liberal rhetoric had presented the Act as a panacea for the problems of the Highlands, and a curative for a plethora of social ills. This had increased the expectations of progress which greeted the new Act. Amidst the excitement there were some sobering voices. The Conservative national press were decidedly lukewarm on this question. Of course, political opinion, as much as objective thought, played its part in the formation of these views.¹

The Act came into operation in April 1912 when the institutions created by its provisions began their work. The Board of Agriculture for Scotland (BoAS) and the Scottish Land Court (SLC) took over from the Congested Districts Board and the Crofters Commission. The BoAS was composed of three executive officials, headed by a Chairman, Sir Robert Wright. Prior to his appointment, Wright had been principal of the West of Scotland College of Agriculture. There was a division of labour between the other two members of the Board. R.B. Greig was given the task of supervising the Board's duties in the areas of agricultural education and improvement of live-stock husbandry. John Sutherland, a former Oban Solicitor and Estate Agent, was appointed specially to deal with the creation of small holdings. He was to have control of the entire work of the Land Division of the Board. His final decisions were based on the information gathered by a network of Sub- and Assistant Sub- Commissioners who were allocated geographic areas of responsibility. A Former Scottish Office Civil Servant, H.M. Conacher, filled the post of Secretary to the Board.² The Scottish Land Court (SLC) continued the legal functions of the Crofter's Commission. The Chairman of the SLC was David Brand's successor in the Chair of the Commission, N.J.D. (now Lord) Kennedy had the same rank as a Judge of the Court of Session. He was of Highland descent his father having been a Free Church Minister in Sutherland. Prior to his appointment to the SLC and during his time at the Crofter's Commission, Kennedy had been the Sheriff of Renfrew and Bute.³

I

The initial tasks of the Board were to establish the demand for land and to identify land available for the creation of small holdings. The availability of land was governed by section 7 (16) of the Act. Generally, farms of less than 150 acres, home farms or land under a lease in force at Whitsunday 1906 (1911 in the case of the non-crofting counties) could not be taken for small holdings. An obstacle in this initial search for land was the highly particular nature of the demand. Many applicants, either demanded to be settled on particular lands, either in their immediate locality, or in the area of their origin. A "disinclination" to consider alternatives was a problem for the Board.⁴ Questions can also be asked about the scale of demand. In total there were 5352 applicant to BoAS, 3370 for new holdings and 1982 for enlargement of existing holdings. Of the applications for new holdings, 2760 came from the crofting counties. More importantly, 1300 of these came from the Outer Hebrides, and Lewis in particular. The accuracy of these figures as a measure of the true demand for land can be questioned. It was the case that new facilities for land settlement encouraged a huge number of applicants of varying qualifications to try their luck. The Board anticipated that this bias in favour of the Crofting Counties would even out over time as tenants in the South of Scotland became aware of the benefits to be gained from the operation of the Act.⁵

It is important to describe the procedure by which a small holding scheme was carried out under the 1911 Act, before going on to consider in detail the events surrounding particular schemes across the Highlands.⁶ When a body of applications was received, and some potentially available land had been identified, a small holdings scheme could be contemplated. The Sub-Commissioners for the particular areas had a duty to keep themselves informed as to farms which were, or were about to fall, out of lease.⁷ Farms were then inspected by the Sub-Commissioners and their reports submitted to the Small Holdings Commissioner. If the scheme was to proceed negotiations were opened with the management of the estate in question. By 1915 BoAS were aware that estates could slow the process down at this stage, if they so desired. For this reason, BoAS officials were instructed to act promptly and be vigilant over potential delaying tactics. At this point there were three alternatives. Settlement could proceed by agreement, in which case the estate had no right to subsequent compensation if the scheme failed. An unopposed compulsory order of the SLC could be sought. This would occur if the proprietor had no real objections to the scheme, but wished to ensure the right to subsequent compensation, under section 17(2) of the 1911 Act, if the scheme should prove a failure. This was the

cause of many problems. The SLC was flooded with cases which could have been better dealt with by a more simple procedure. If the negotiations did not yield agreement application could be made to the SLC for a compulsory order, for which the approval of the Secretary for Scotland was required. The procedure before the SLC involved the hearing of witnesses and counsel's opinion for each party, BoAS and the estate. In addition, the SLC had a duty to inspect the ground in question. If approved by the SLC, the next stage was the selection of holders for the small holdings. Genuine proprietorial observations were taken into account at this stage.⁸

The finances of BoAS were governed by section 5 of the 1911 Act. The Agriculture (Scotland) Fund was composed of £15,000 under the Agricultural Rating Act of 1896 and supplemented by a maximum of £185,000 voted annually by Parliament. This was considerably in excess of the £35,000 placed at the disposal of the CDB. Two general points can be made here. Firstly, the BoAS had a much wider area to cover. Secondly for reasons discussed immediately below, the procedures of the 1911 Act were a much more expensive method of constituting small holdings. The Board themselves hinted that the limits of the Agriculture (Scotland) Fund would be the most important constraint on their work.⁹

There were many calls on this money during the settlement of a small holding scheme. The tenant of land being used for land settlement could claim compensation for the disruption to his tenancy. The landlord could demand compensation for damage to the letting value of his land caused by the creation of small holdings. BoAS officials were warned by the Small Holdings Commissioner to distinguish carefully between "direct" loss, such as increased management overheads and "indirect" loss "such as the possible depreciation of value of the estate in consequence of the establishment thereon by small holders". This question of whether landlords had the right to claim compensation for the loss of "selling value" plagued the Board. Landlords argued that the establishment of small holdings on an estate withdrew "many of the advantages of ownership", making the subject less marketable. The Board felt that such a claim was not covered by the Act. Further, they disputed whether such a depreciation actually took place. There was little evidence one way or the other and the debate quickly became sterile.¹⁰ If the compensation claimed by a proprietor or a tenant exceeded £300, the final award would be settled by an arbiter appointed by the Court of Session. Otherwise the SLC settled the amount. The demand for compensation beyond £300 could be genuine or it could be a tactic to delay the scheme. This was a badly drafted clause. The proprietor did not have to establish a claim of more than £300, merely intimate that

he would be claiming compensation in excess of that sum. Once some experience was gained of the working of the Act it was felt that there was no real consistency in the awards of the arbiters. This was not surprising among a group of randomly chosen individuals who could not look to the Act for any guidance. The compensation had to be met out of the Agriculture (Scotland) Fund. Clearly a large number of compensation awards would prejudice the ability of the BoAS to set up small holding schemes. They could only abandon schemes in which they felt that the compensation was excessive, hardly an ideal course of action.¹¹ Apart from compensation the Board had to bear the inevitable losses consequent on the establishment of small holdings on privately owned land. These occurred on several fronts. There was a difference in the value of farm buildings to the landlord or tenant farmer, and to small holders. Indeed, they could be useless to the latter. The rent of the land under small holdings could be less than when the subject was rented as a whole farm. The stock on the farm may not have been relevant to the needs of small holders and would have to be sold at a loss compared to the acclimatised value.¹² Thus, it can be seen that the act was not a straightforward piece of legislation. It had many potential loopholes. The relationship of the complicated structure of the Act with proprietorial responses to the Board's attempts to form new holdings will be the theme of the remainder of this chapter.

II

With the establishment of these general points it is now possible to proceed to an examination of land settlement in a number of different areas in the Highlands. This serves to demonstrate the diversity of conditions, as well as the reality of the operation of the Act as compared to the theory as developed by the Small Holdings Commissioner. As noted above, the bulk of demand for new holdings came from the Outer Hebrides, and in course of time the bulk of BoAS activity would be concentrated in that area. This activity will be scrutinised with regard to Lewis, the Gordon Cathcart Estates in the south of the Long Island. Finally, North Uist and Harris will be considered in tandem. Despite this concentration other areas are worthy of note. Notably, the Island of Tiree on the estate of the Duke of Argyll, but also the estates of his fellow magnate which covered practically the whole of the County of Sutherland. Issues to be considered will include, the range of proprietorial and crofter response to the attempts of the Board to implement the Act, as well as the problems generated by the highly complex structure of the Act.

Lewis was the site of the most long standing and deep seated difficulties. Various institutions had failed to come to terms with the land issue in Lewis. Expectations for speedy progress were high in the years prior to 1914. The Board, at the outset of their work in this area, were well aware of the difficulties involved. Lewis was particularly characterised by scarcity of land and poverty stricken applicants.¹³

These expectations over ran in the western parish of Uig at the end of 1913. 14 crofters in the townships of Valtos and Kneep cleared the neighbouring farm of Reef of its stock of 200 sheep and 5 head of cattle.¹⁴ This 600 acre farm had been the subject of attention by the Deer Forest commission in the 1890s. In the first decade of the new century the CDB had examined the farm and discovered it to be unsuitable for the formation of small holdings. Expectations had been increased by the 1911 Act and the raid was a symptom of the fact that even by 1914 frustration had grown.¹⁵ It was isolated and largely composed of Machair land with little ground suitable for cultivation. This aside, in terms of the 1911 Act it was "statute barred" as its rent was less than £80. There was a school of thought in the island that the 27th section of the Act, which referred specifically to Lewis, superceded this provision. This section denied landholder status to tenants of holdings rented at more than £30 or extending to more than 30 acres. It was widely held that such farms were available for the creation of small holdings. Indeed, it was in this area of Lewis that the demand for this clause had originated. However, a combination of a refusal by the BoAS to implement section 27, and the fact that they shared the view of the CDB that the farm was unsuitable for small holdings, ensured that the demands of the raiders were denied. There was a clear gap between the expectations of the people, which had been conditioned by the rhetoric surrounding the land issue in the period 1906 to 1911, and the reality of the Board's power, which was limited by the provisions of the 1911 Act. Colin MacDonald, an Assistant Sub-Commissioner in Lewis wrote to the Small Holdings Commissioner telling him that, "it was next to impossible to get the men to realise that the Board has no power to deal with their case".¹⁶

Nevertheless, the problems over Reef farm caused a certain amount of consternation, both at BoAS and in the Scottish Office. There were a number of reasons for this; firstly, the fact that the problems came so soon after the passing of the 1911 Act, and before BoAS had had the opportunity to achieve any significant progress in Lewis. Indeed, the fact that the BoAS had made little progress in Lewis was a factor in the origins of the raid. As the Superintendent of Police in Stornoway noted, "the whole proceeding is a game to hurry up somebody". Some elements in the Board, led by

Robert Greig, were inclined to start negotiations with the estate over Reef.¹⁷ However, the consensus of opinion was that although the raid was primarily a publicity stunt, it could have worrying consequences if it was not handled correctly. Experienced officials were well aware that once agitation began in Lewis it was difficult to eradicate. Secondly, there was a worry that if raids were seen to favourably influence the new regime, it was likely to encourage their repetition.¹⁸ However, despite the potential political consequences of the raid, the Lord Advocate did not consider it serious enough to initiate a criminal prosecution, and advised that the estate should proceed with a civil action. The raiders were sentenced to 6 weeks for breach of interdict in March, but were released the following month after giving an undertaking not to encroach on the farm.¹⁹

A major factor in the Reef difficulties were the parallel attempts by the BoAS to implement Small Holding Schemes in Lewis. The Board prepared schemes for four farms; Galson in Ness in the north west, Orinsay and Stimervay in Lochs in the south east, Carnish and Ardrol in Uig, and Gress, north of Stornoway. These farms covered a total of nearly 23,000 acres and it was proposed to constitute around 130 small holdings.²⁰

The proprietor of Lewis, Major Duncan Matheson, was represented by the famous firm of Edinburgh Solicitors, Skene, Edwards and Garson. They represented a number of Highland proprietors, and had experience of crofting law going back to 1886. In each of the four cases considered here, Matheson, through his solicitors, reacted negatively to the proposals of the Board. They argued that the formation of small holdings on the estate had not been successful in the past. They ascribed to small holders a tendency to let rent arrears accumulate, and to be deficient in the stewardship of land. They also noted that the proprietor, and the rest of the non smallholding population would face an increased burden of rates.²¹ There were two reasons for this; firstly, the creation of small holdings would decrease the overall rateable value of a parish and secondly, small landholders received a number of rating dispensations which meant that they only had to pay 3/8ths of half of the rates for their holding. They also pointed out that the sporting value of the estate would be reduced. This was an unlikely eventuality as none of the farms had any real sporting value. This was a very vague area as sporting values were so subjective. If loss of sporting value could be proved by the proprietor it was to be paid for by a free grant by the Board. However, they were extremely reluctant to do so unless the land being taken for small holdings was used exclusively for sport. If it was merely a case of the estate having shooting rights over tenanted land, the sporting, as

compared to the agricultural value of the land was almost impossible to calculate and hence compensation could not readily be paid.²² It would seem that the four Lewis schemes fell into this category. At each stage of the procedure Skene, Edwards and Garson were obstructive and uncommunicative. They accused the Board of supplying insufficient information about the schemes. By December 1913, in the case of Galson, the negotiations had reached the stage of application to the Land Court. They responded by taking out an interdict against this application. This was withdrawn in January 1914. However, obstruction continued with the estate demanding more time and more information at each stage of the SLC proceedings.²³ This pattern of events continued until 1916. By then it was clear that the estate would oppose every move of the BoAS. At this stage the BoAS considered its options, whether to proceed, or not, and if not, whether to postpone, or abandon the schemes. In the event, with most of the applicants on active service, a postponement was sought. The SLC was informed that the Lewis applications were to be withdrawn until the end of the war. There had been divisions in BoAS over this policy with the Chairman holding out against it. The postponement was only carried out on the sanction of the Secretary for Scotland.²⁴ In effect, this was an indefinite suspension. The BoAS had to weigh the costs of continuing the schemes against the likelihood of renewed lawlessness if they were withdrawn. This obstruction had exacerbated the intense demand for land in Lewis, as one of the Assistant Sub Commissioners noted in 1916;

... the Lewis people, having had these farms dangled before them for some years will break the peace if the thing is postponed more or less indefinitely.

This would certainly have been the case in "normal" circumstances. However, wartime introduced critical differences which saved the Board in this regard. The level of recruitment in Lewis had been exceptional. Thus, those who would have been ringleaders and activists in a renewed cycle of raiding were absent. Further, the public response to raiding was unlikely to be favourable during wartime. The Board were aware at this stage in the war that the level of recruitment in the island would compel them to take action at the end of the war, whenever that might be.²⁵

Recent writing on the failure of the Small Landholders Act in Lewis has concentrated on the spoiling role of the proprietor. The most recent historian has argued that the sole reason for the failure of the Act in Lewis was Skene, Edwards and Garson's "stonewalling tactics".²⁶ Certainly, the obstructive tactics were an obstacle to land settlement. During the Board's deliberation on the fate of the Lewis schemes, Skene Edwards and Garson's "various means of obstruction" were given high priority in the Board's explanation of its own failure.²⁷ Nevertheless, amongst the record of the failure of these four schemes other reasons can be discerned. A large part of the problem was the quality of land in Lewis. It has been noted that neither the CDB nor BoAS considered the farm of Reef suitable for small holdings. The other farms were far from ideal either. Orinsay and Stimervay was isolated as the road system in that part of Lewis was almost non-existent. The arable land was not plentiful and the old arable, now under sheep, was of doubtful quality. Carnish and Ardrol was supposed to be a potentially prosperous scheme because of the prospects for fishing in the area. However, the Sub-Commissioner noted that although this may have been true at one time it was no longer so. Given modern methods of fishing small holders could not hope to compete. There were also difficulties with working the arable land due to drifting sand. Indeed, a BoAS official regarded Galson as the only farm he had seen on Lewis which was suitable for small holdings.²⁸

There was also an ongoing debate, between Skene Edwards and Garson and the Board, as to whether the Lewis applicants were fit to take on a small holding. The former were decidedly of the opinion that they were not. The BoAS seemed to be divided on this question. In 1912 one BoAS official argued that the people of Lewis had "no real agricultural aptitude". This would seem to be a rogue opinion as, generally, the Board were not overly critical of the abilities of applicants. Neil MacLean, an Assistant Sub-Commissioner with the Board, directly contradicted the estate's position, his belief was that they had "considerably extended" the extent of arable land in Lewis.²⁹ There was unlikely to be a meeting of minds on this issue. Skene, Edwards and Garson had built a reputation on preventing land settlement in various ways since 1886. In this case the proprietor they were representing was equally opposed to the formation of small holdings on his estate. On the other hand the BoAS network of local officials were often quite close in their opinions to the applicants for land. After all, they were usually, natives of the area in question and the close contact they had with the applicants may have reduced their objectivity.

Despite these points, there can be little doubt that the fundamental difficulty was the structure of the Small Landholders (Scotland) Act. Its labyrinthine complexities were exploited by Skene, Edwards and Garson to good effect. The lengthy procedures, and the number of different institutions involved (BoAS, SLC and Scottish Office) were ideal for the development of obstructive tactics. By 1914 the Board were in a position to admit this themselves.³⁰

There were many areas in the act which could lead to confusion. The differing interpretations of Section 27, the so called "Lewis Clause", had led to problems in Reef in 1913 and 1914. Essentially, what the estate were doing was exploiting the lack of definition in the Act as to what constituted a "scheme". Section 7 sub section 3 established that it was the Small Holdings Commissioner's duty, once he had established the existence of demand and available land, "to negotiate with the landlords of such land with a view to the adjustment of a scheme for the registration by agreement of any one or more new holders in respect of such land". There was no indication as to how much detail the landlords had to be provided with in the course of such negotiations. Nor, indeed, was there any indication as to what should constitute "negotiation". Skene, Edwards and Garson exploited both these areas to the full. They constantly questioned that the information sent to them by the Board was sufficient to constitute a scheme in terms of the Act. When BoAS eventually accused them of refusing to negotiate and were about to proceed to apply to the SLC for a compulsory order they retorted pointing out that it was the Board's failure to supply information which had caused the delays, and that they would be happy to negotiate if the Board would supply them with more information. They constantly attempted to put the blame on the Board for the delay in coming to agreement and even went so far as to, "take exception to the sub- commissioner's statement that any attempt to negotiate can only result in a "useless waste of time"" Indeed, in the case of Galson, by November 1913, the two parties could not even agree if there had been any negotiations!³¹

The hard pressed officials of the Board were under no illusions that it was the structure of the 1911 Act which was really at the root of their problems in Lewis. In the crucial year of 1916 the Board officials were discussing the schemes in the context of the need for amendment of the 1911 Act.³²

III

The second major arena of BoAS activity were the Southern Hebridean Estates of Lady Gordon Cathcart. They covered Benbecula, South Uist and with the exception of the northern part of the Island, Barra. She was also, and had been for over thirty years, represented by Skene Edwards and Garson. The CDB had implemented a number of schemes on her estates, in the North of Barra, in Vatersay and in South Uist. In this period four schemes were developed in the Southern Hebrides. Three were on her Ladyship's estate, all on the island of South Uist, at Ormiclate, Bornish and Milton, at Glendale and at Askernish. The fourth, at Eoligaray in Barra, was on land which had been bought by its tenants at the time of the formation of small holdings in the area by the CDB in 1900.³³ The Board proposed the formation of 133 new holdings and 47 enlargements, and the land involved covered around 25,000 acres.³⁴

There were a number of differences between these cases and the situation in Lewis. Supposing all the farms had been taken for small holdings there would still have been a considerable cottar problem. In the case of South Uist, the population was much smaller and the congestion, although serious, not chronic. The Sub Commissioner for the West Highlands argued in his submission to the SLC in the case of Ormiclate, Bornish and Milton that the three schemes which had been prepared, if implemented, would represent a complete solution to the land and housing problems in South Uist.³⁵

Skene, Edwards and Garson were unimpressed with the Board's arguments in these cases. They used broadly the same arguments but they did not pursue the obstructive tactics to the same extreme. They argued, which they could not do in Lewis, that South Uist was saturated with small holders. Schemes implemented by the CDB had seen the establishment of 80 holdings. They did not accept the argument that the new holdings created would represent a complete solution of the problem in the island because they had heard it before. The CDB had claimed that the formation of 50 holdings would have the desired effect. They claimed now that none of the South Uist farms was available, or suitable, for small holdings. Further, they attempted to establish that the demand for land in South Uist was not genuine, arguing that "there were no really necessitous cases to be dealt with". The Board disagreed arguing that due to the smallness of the holdings the demand for land was "very strong and urgent".³⁶

The estate pursued the line of argument that crofters were agricultural vandals. This had been a constant refrain of Lady Gordon Cathcart since 1886. She was fundamentally opposed to the crofting system for a variety of reasons, agricultural and social. As has been noted throughout this study she took pains to articulate her views to the government at every possible juncture. This period was no exception. The Board were informed that it was undesirable to extend the crofting system because it "keeps the energetic man down to the level of the least enterprising". The fact that the applicants for land were imbued with the culture of crofting made them "unsuitable for small holdings" according to the estate. They went to considerable lengths to impress the BoAS with evidence of this unsuitability. It was pointed out that the crofter was as negligent in looking after grazing as he was incapable of working arable. Particulars of the fate of an enlargement given to 81 crofters in 1897 were produced to back up this case.³⁷

A recent author is accurate when she describes the estate's attitudes to the abilities of crofters as "contemptuous". However, it may not be quite so accurate to argue that the Board "did not share" this attitude.³⁸ Indeed, it is questionable whether one can discuss the "Board's view" without making some important qualifications. The Board used a large number of Assistant Sub-Commissioners to report on the farms which they were interested in. There could be no consistency of view among these men. Certainly, they were not likely to be employed by the Board if they were opposed to the idea of land settlement. Even within the group who were enthusiastic there were some differences of view. It has been noted above how one Assistant Sub-Commissioner in Lewis was very impressed with the ability and endeavour of the crofters in relation to the arable land in the island. The Sub-Commissioner who reported on the South Uist farms took a more sophisticated attitude. He suggested to the BoAS that "more of the success depends upon the tenant than on the holding". He went on to enumerate the qualities required for successful running of a small holding. As well as industry, considerable knowledge of stock husbandry and marketing had to be allied to knowledge of agriculture and sound business sense. His conclusion was that "the value of land in the Hebrides would be improved if crofters practiced better agricultural habits".³⁹ Whether his view was widely shared in the Board is difficult to establish from the available evidence. In an ideal world, agricultural ability and knowledge could have been the main criteria for choosing small holders and only the most suitable farms would have been broken up for small holdings. However, land settlement was as much a political, as an administrative, and technical task and many other influences had to be taken into account.

There were three additional factors which influenced the Board in these schemes. Firstly, the revival of incidents of land raiding. Secondly, as in Lewis, the structure of the Act, and thirdly, the less than ideal nature of the farms affected by the schemes.

The scheme for Ormiclate, Bornish and Milton had progressed to maturity with the setting up of 99 new holdings and 44 enlargements. Perhaps because of this frustration boiled over at Glendale in the south of the island. The BoAS decided to postpone the scheme due to wartime conditions and the fact that the "a good deal had already been done in South Uist, at considerable cost, under the scheme for Ormiclate, Bornish and Milton". December 1916 saw a threat to raid the farm and this, allied to the fact that the lease was to expire at Whitsunday 1918, led the BoAS to consider reviving the scheme. However, the likely cost of compulsory proceedings and the subsidising of applicants deficient in capital were enough to dissuade them from doing so.⁴⁰ The Board were also not assured of straightforward progress once the farm was out of lease. There was nothing to stop a proprietor reletting a farm even when it was under consideration by BoAS for a small holding scheme. There were strong suspicions that some estates were doing this deliberately in an attempt to hamper the work of the Board, and to collect the maximum amount of compensation possible.⁴¹ In the case of Glendale the postponement of the scheme, in 1918, was greeted with a raid. Lady Gordon Cathcart had been opposed to the taking of the whole farm for small holdings. The Board offered an alternative scheme in which only half of the farm would be affected, but proprietorial opposition remained implacable. Eventually, she relented in the spring of 1919. Part of the reason for this change of heart may have been the intervention of Sir Reginald MacLeod, former Under Secretary for Scotland and Skye landowner. He took care to explain to Lady Gordon Cathcart that she need not lose out financially by agreeing to a scheme. The BoAS would take over the stock and equipment on the farm and make good any difference between the farm rent and the fair rent, set by the SLC, for the new small holdings. Demand was such that the Board had to amend their original scheme for 12 new holdings to accommodate 22.⁴²

There was also a raid at Askernish in late 1919. This was a clear example of the BoAS being forced into a scheme which they would otherwise not have contemplated through the pressure of raids, and the absence of suitable alternatives. The sub-commissioner stated bluntly, "Askernish Farm is not the sort of place I

would wish to select for small holdings if I had a choice". The estate management claimed not to take the raid seriously and blamed government weakness for the renewed raiding and advocated that the raiders should be firmly dealt with. However, by 1920 Lady Gordon Cathcart relented, as she tended to do, and allowed a scheme to proceed.⁴³

The scheme at Eoligarry in the North of Barra was similarly troubled by land raids. Despite having been offered potato ground, cottars raided part of the farm in April 1917. The Board declined the offer of purchase and stated their determination to proceed through the 1911 Act. The inevitable delay led to further raids in September 1917.⁴⁴ The difficulty was increased by the fact that Eoligarry was the only land left on Barra which was remotely suitable for the creation of small holdings. The demand was such that the BoAS realised that they would have to take the whole of the farm. Further, as it was an owner occupied estate if any of it was left untouched it would be claimed as a home farm and hence excluded under section 26 sub section 3(g). There were of course the usual objections to using the 1911 Act. The sub-commissioner advocated purchase, using the Congested Districts (Scotland) Act, 1897, which was supposed to have been superceded by the 1911 Act. The reasoning being that the compensation and arbitration expenses would exceed the cost of an immediate purchase. The owners, through the inevitable Skene, Edwards and Garson, offered to sell at £12,000. The members of the Land Court favoured this option. Their advice was eventually taken in the spring of 1919 and Eoligarry was purchased.⁴⁵

The case of Eoligarry represents the extreme of the growing view within the Board that the 1911 Act was more trouble and expense than it was worth. It was a special case, a small owner occupied estate in an area of congestion with no suitable alternatives for land settlement. Nevertheless, there was a strong strain of dissatisfaction, based on experience, with the 1911 Act. It was the act itself as much as proprietorial opposition or the difficulties caused by raids which had held up progress in the southern Hebrides. The Board's influential Sub-Commissioner for Small Holdings in the Highlands was clear in his view of the worth of the 1911 Act. He referred to it variously as "absurd and mischevious" and "imperfect and unsatisfactory". His view was passed on by the Board to the Scottish Office. They argued, in reference to Askernish farm that the cost of using the 1911 Act "would be heavy relatively to the results secured".⁴⁶

It is clear that in the southern Hebrides, as well as in Lewis, monocausal explanations of the failure of the Small Landholders (Scotland) Act, focusing on proprietorial opposition to the BoAS's land settlement schemes are simplified misrepresentations of a complex picture. The next section will demonstrate this further. In North Uist and Harris the element of proprietorial opposition was much less prominent, but the BoAS's record in these islands in this period was equally unsuccessful.

IV

The land issue in North Uist should be examined alongside that of Harris. The picture was complicated by events on the island of Taransay, off the South West coast of Harris. This island was the scene of a raid in July 1914. The raiders had previously agreed to move to North Uist as part of the BoAS scheme for the farm of Cheesebay. This raid has been placed alongside that of Reef in Lewis as a symptom of dissatisfaction with BoAS's ponderous activity.⁴⁷ However, care must be taken, when examining land raids, to draw distinctions between them. The Taransay raid has the hall marks of having a great deal to do with the cottars' relations with the local tenant farmer. It was noted by the police that formerly they had good relations with him, to the extent of assisting him with his farm, "now they will do nothing for him" was the police conclusion. BoAS were determined not to let them settle and to proceed with the scheme for North Uist, in which they would be involved.⁴⁸

The scheme for Cheesebay involved the setting up of 40 new holdings on the 4,100 acre farm. It was not an ideal location for small holdings as it was typical of the North Uist landscape, heavily interspersed with small lochs. In an echo of the debate between the Duke of Argyll and the BoAS in Tiree, the estate stated their preference for fewer and smaller holdings. They also objected to the influx of Harris cottars as they felt it "would create strife with the locals".⁴⁹ BoAS were of the opinion that in selecting applicants for a scheme they were not limited to those who reside "in the immediate vicinity of the farm or even in the same parish or county". They had obtained legal opinion which confirmed this view. Section 7(2) was to be read alongside 7(3) which "provides generally" for the satisfaction of demand for small holdings.⁵⁰ The difficulties with this scheme led to some thought on the question of migration in general. Indeed, it was questioned whether this scheme could really be called migration. Certainly, movement of the same distance in the lowlands would not be called migration and no such objection would be taken to it. If proprietors and applicants for land persisted in their negative attitude to movement no progress could

be made "unless the view is taken that congestion in the Highlands is never to be relieved except from the estate on which it exists (surely an impossible attitude)". This scheme was another which fell into the category of those which the Board considered postponing for the duration of the war. The possibility of expensive arbitration was a major factor in favour of postponement. However, the Taransay element of the equation complicated matters. It was widely recognised that Taransay was "one of the most miserable spots in the Hebrides" and that the Board would be ignoring its duty if nothing was done to relieve congestion there. There was also the possibility of renewed raids if the cottars had the prospect of settlement on North Uist removed. The Board realised that they would have to revive the scheme after the war^{because} they anticipated the strong claims of returning servicemen. They were aware that they would be open to a justified case of vilification if they were not ready, at the conclusion of the war, to put the scheme into effect "as part of the general policy of relieving congestion in the Outer Hebrides".⁵¹ One historian has used the Cheesebay scheme as an example of how landlords in the Highlands obstructed the operation of the 1911 Act. This is somewhat unfair, there are many better examples of proprietorial negativism. Indeed, in this case the proprietor, Arthur Cambell Orde, was at least willing to put forward suggestions as to how the scheme might be altered. At his suggestion the number of holdings to be formed was reduced from 52 to 32. This had the side effect of not accomodating all of the applicants from Taransay. BoAS did have a duty to take reasonable landlord suggestions into account during the negotiation. Land settlement could not work if the proprietor whose land was being used for small holdings had no input to the process. Similarly genuine proprietorial suggestions should not be confused with landlord opposition. This is of course not to deny that the latter did not exist.⁵²

V

Tiree, on the estate of the Duke of Argyll was a major arena of BoAS activity. A number of distinctive features merit examination. The attitude of the proprietor was one such feature. The estate became involved in the discussions surrounding the attempted creation of small holdings on the island without ever being obstructive. In the other parts of the Highlands examined so far, the limitations on the Board have been chiefly political or financial. In the case of Tiree the obstacle was physical, although the potential for successful settlement on this island was high due to its fertility and the history of large holdings which had been encouraged by the estate management.⁵³

The Board prepared schemes for five farms, Hynish, Greenhill, Baugh, Balephetrish, and Heylipol. It was proposed to form 71 new holdings and 8 enlargements and the schemes encompassed 3557 acres.⁵⁴ The demand for land was strong. There were 126 applicants for 4 new holdings and 4 enlargements at Baugh, for example. Numerous other indicators of a high demand for land led the Small Holdings Commissioner to conclude that the demand was "pronounced" and that action should be taken with "urgency". However the Board had noted that concentrated activity by them in a particular area tended to swell the demand abnormally.⁵⁵

This large demand, mainly from the sizeable cottar population, taken with the limited amount of farmland available for land settlement, 3500 acres, set the context for the debate about the size of holdings which would characterise the land issue in Tiree. For political reasons the Board wished to satisfy as much of the demand as possible. This debate came particularly to the surface over the farm of Balephetrish. It extended to 1400 acres, and it was proposed to establish 8 new holdings and 4 enlargements. The scheme had been withdrawn during the war following a raid, and the realisation that the compensation awarded to the tenant by an arbiter was greater than the capital value of the farm.⁵⁶ The scheme was revived in the early part of 1919. By that time 63 new holdings and 27 enlargements of holdings had already been formed on Tiree. Nonetheless, there were still 218 outstanding applications for new holdings and 48 for enlargements. 94 of these applicants specified Balephetrish as their preferred site of settlement.⁵⁷ The Duke was prepared to assist the Board in this scheme, on the condition that the holdings formed were larger than those in the previous schemes. He advocated the formation of holdings of a rent of £30 to £40. As an incentive for the Board, he offered to allow the application to the SLC to go forward unopposed and let them set the level of compensation.⁵⁸ The Duke's analysis had unlikely allies in the shape of former cottars, who had been given land in the scheme for Greenhill farm before the war. They complained to the Secretary for Scotland of "the scraps given off in Greenhill instead of moderately sized holdings from which we could make a decent living". They found they were still burdened with cottars. They even went so far as to claim that their holdings were so small that it was not worth while building houses.⁵⁹ The Board were well aware of the political imperative for creating large numbers of small holdings. By this method more of the demand would be satisfied and the potential for lawlessness reduced. This was noted in 1913 while preparing the Hynish scheme for the Land Court;

... while the Board realise that it is desirable to make the holdings of substantial size they found it was impossible in an Island like Tiree to approximately meet the needs of all the applicants without diminishing the size of the holding.⁶⁰

The Board eventually settled 27 applicants on large new holdings and 14 on smaller units in 1922. This was carried out under post-war legislation. The BoAS, under pressure of threats of renewed lawlessness, contemplated buying the land but eventually proceeded with a scheme leaving it in the hands of the Duke.⁶¹ Despite this political influence, by the time of the post-war Balephetrish scheme the Board had come to realise that the formation of a large number of small holdings, would not eradicate congestion in the long term. The Duke's offer of an unopposed scheme proved too tempting to turn down.

Thus, in the case of Tiree, as well as the usual political pressures and financial limitations allied to the customary problems of the procedures of the 1911 Act the Board found they had physical and intellectual problems to deal with as well. Thus, a recent historian's conclusion that the operation of the 1911 Act in Tiree was largely trouble free, merely because there was no proprietorial obstruction, is puzzling in the extreme.⁶²

VI

The attitude of the Duke of Sutherland was at the opposite extreme of that of Matheson and Lady Gordon Cathcart. Indeed, his habit of offering large pieces of his estate to the Board for land settlement, sometimes as gifts, was disconcerting. The first instance was in 1912. In response to a speech by the Chancellor of the Exchequer, he offered 200,000 acres of deer forest to the government, at £2 per acre. Subsequently, he reduced the price to £1-2/6 per acre. He followed this up with a further offer of 200,000 acres, of mostly sheep grazing, in the parish of Tongue. Of course, the Duke could well afford such generosity. At this time he was the largest land owner in the country. His estates totalled 1.3 million acres, most of it in Sutherland, but he also owned valuable land in Shropshire and Staffordshire. The timing of such an offer was also propitious. Sheep farming was no longer profitable and mature mutton, such as was commonly produced in Sutherland, was going out of fashion consumers seemed to prefer lamb. So in the words of the *Glasgow Herald* it represented "excellent business" to try and off load it to the government. The theme

of Lloyd George's argument was that there was a vast amount of land in the Highlands, otherwise suitable for small holdings, under deer. This was a widely held radical belief which, despite the reality of its findings, the Royal Commission (Highlands and Islands) 1892 had not dispelled. The reactions of Lloyd George and other Liberals to the Duke's offer was disingenuous. In the ascerbic words of Lord Lovat, after having "harped continually" on the agricultural value of such land they now "turn round and say that it would not keep a mouse".⁶³

A third offer by the Duke of Sutherland involved the 16,000 acre sheep farm of Shinness near Lairg.⁶⁴ It was rented at £527, with a valuable sheep stock of 3500. This farm was under lease until Whitsunday 1918 when the Duke proposed to allow the BoAS to carry out a scheme of land settlement. The BoAS described this offer as "patriotic". The scheme contemplated the formation of 21 "self supporting" small holdings. Each holding was to be supplemented by a share in the hill grazing and a stake in a sheep club stock. The Board predicted that these arrangements "assured ...exceptional success".⁶⁵

Despite expenditure of nearly £15,000 in loans and grants to the holders a number of problems with the settlement soon emerged. They did so on two fronts, that of the fate of the sheepstock and the expense and quality of the housing on the settlement. The former was to become a particular problem in land settlement in Sutherland after the war. However, the events in Shinness presaged such difficulties. The capital of most holders was insufficient to be able to afford the valuable stocks which were commonly found in a classic sheepfarming county as Sutherland. In the case of Shinness, the holders were given entry to their holdings at Martinmas 1919. However, they refused to sign bonds for the ownership of the sheep stocks and it remained in the management of the BoAS at considerable expense.⁶⁶ The holders could not be persuaded to take it over until 1923. By 1928 the club stock was in financial difficulties.⁶⁷ There was little the Board could do to prevent such a state of affairs. The stock could be sold, but if sold at auction they would not realise their valuation price, and the Board would have to bear the loss. There was a general problem with handing over the management of large sheep stocks to small holders. The majority of them had no experience in the complex business of the management of such a stock. This had been noted with reference to a farm in Tiree. A sub-

commissioner pointed out that the management of a sheep stock involved constant buying and selling to maintain the value of the stock and this "can only be undertaken with success when capital, ripe experience, considerable skill and judgment is at the command of the tenant".⁶⁸ Through no fault of their own, few applicants for small holdings could be expected to have these qualifications.

The second problem with the Shinness settlement surrounded the housing of the settlers. Vast sums of money had been spent on the houses. However, unlike the pattern prevalent in the Outer Hebrides, where the holders largely built their own houses, at Shinness contractors did the work at great expense; so great that suspicions of profiteering were voiced. In 1915 BoAS officials had been warned of the dangers of burdening small holders with large housing costs. Even with the low level of interest on BoAS housing loans expensive buildings could cripple a holder's chance of success, especially when the holders were men of limited capital, as many were. Extravagant buildings could make the holding difficult to let, in the case of an outgoing tenant. The SLC would not compensate holders on the true value of the buildings, but on their value "to the holding".⁶⁹ However, in the case of Shinness, despite the considerable outlay, the quality of the buildings was not high and complaints continued through the 1920s and 1930s. The necessary improvements were not made until after the Second World War.⁷⁰

Compared to other areas discussed, the prospects for dealing with the land issue in Sutherland would seem to have been good. Proprietorial opposition was not a factor and there were few physical constraints. Large, potentially self supporting, holdings could be contemplated. However, the expected progress did not ensue. Part of the problem may have been that the Board were carrying out land settlement on somebody else's terms. Given the slow progress over the years since 1911 the Board could not afford to turn down the offers of the Duke. However, left to their own judgment would they have chosen a subject such as Shinness, with only 1300 arable acres out of a total of 16,000, as suitable for land settlement? The Borgie scheme, like Glendale in Skye, was viable because it had scope for subsidiary income, through the forestry work available for the holders. Yet again, the complex political dictates generated by the structure of the 1911 Act, which reduced the pace of land settlement to a crawl, forced the Board to grasp any opportunity to satisfy demand.

VII

As well as proprietorial opposition to individual schemes of land settlement, there was also a more general campaign against the provisions of the 1911 Act. This was conducted by the Scottish Land and Property Federation, an organisation which had been set up for the very purpose of preventing the Act from becoming law.⁷¹ There was a feeling among landowners following the setting up of the BoAS and the SLC that the Act was an attempt to "despoil their property". This was particularly prevalent in the non-crofting areas, where there had been no previous experience of the operation of such institutions.⁷² The bulk of the membership of the SLPF came from the non-crofting areas. Nevertheless, its views on the course of land settlement are worthy of discussion.

They particularly targeted the SLC and its Chairman, Lord Kennedy, for criticism. They asked their members to detail experiences of the proceedings of the SLC. Based on this evidence they argued that the SLC was an unsatisfactory tribunal. Faults included Lord Kennedy's unjudicial manner, his acceptance of hearsay evidence, his distrust of expert evidence led by proprietors and his clear bias towards landholders throughout his work.⁷³

Comment on the SLPF campaign, and of landlord opinion on this issue in general, has concentrated on the worries about the political complexion of the relevant institutions. Certainly this was prominent in the campaign. The SLC was compared unfavourably to the old Crofter's Commission which was held in high regard by landowners and crofters alike. Much of this was due to the reputation built up by Sir David Brand.⁷⁴ However, the root of the opposition lay deeper than this. The SLPF, although not representative of all landowners, was fundamentally opposed to the whole concept of land settlement. They stated this clearly in 1914 when they argued that the creation of small holdings by compulsion was an "intrusion of the rights of ownership". By contrast, the Board regarded the setting up of new small holdings as the "primary purpose of the Act".⁷⁵ The SLPF was the voice of active landlordism and it would have been surprising, given its history, if they had not campaigned against the operation of a nationwide system of land settlement. A factor which had much greater influence on the implementation of public policy in the Highlands was the individual proprietor who slowed down the process of land settlement on his own estate.

Despite their vociferous espousal of it in the 1906 to 1911 period, some Liberal opinion was soon turning against the terms of the 1911 Act. Lloyd George set up a number of small committees to investigate the land issue, rural and urban, throughout the country. The Chairman of the Scottish Committee was J. Ian MacPherson, MP for Ross-shire, and an acolyte of the Chancellor. Lloyd George's motivations for such a comprehensive examination of the land issue were manifold. He believed, that it was impossible to tackle social inequalities without first taking on the power of the landed classes. The corollary of this was that land reform would make all social reform possible. Faced with mounting fiscal demands, Lloyd George believed a national land tax would be the best way of raising revenue. The Land Enquiry Committees were to provide a basis for a subsequent Land Campaign which was to put the land issue at the top of the political agenda. The period 1912 to 1914 was one of great difficulty for the Liberal Party. They were losing by elections and were embattled, as ever, on the Irish question. By June 1914 Liberal backbenchers were becoming restive and complaints on the budget reached the ear of Asquith. Moderate Liberal opinion was unhappy with the land proposals and many were concerned at the range of objectives being pursued under the guise of the Finance Bill. For their part, the Unionists were quite happy to sit back and observe the implosions in the Liberal Party. Problems were compounded when the land proposals in the Budget were dropped in June 1914. This enraged the radicals in the Party.⁷⁶

Despite the failure of the longer term objectives of the Land Enquiry Committee, the Scottish Report is an interesting commentary on the 1911 Act. One author has described its tone as "strongly anti-landlord". It was unlikely to be anything else given its origins and context. Nevertheless, they made many sensible criticisms of the Act. They lamented the right of the proprietor to go the Court of Session to have an arbiter appointed to adjudicate compensation of more than £300. The potential expense to the Board, as has been noted, was the cause of a number of schemes being dropped. It was felt that the heads under which compensation could be claimed should be reduced. The problem of proprietors letting farms while the Board was contemplating a small holding scheme, was also recommended for reform. The limited financial resources of the Board, especially given the lack of capital among many applicants, was held to be a major obstruction to land settlement.⁷⁷

By 1914, the Small Landholders Act, had few friends. Frustrated applicants, unhappy landowners, and now the disaffected element in the Liberal Party who had created it, all added to the difficulties of the Board, who were trying hard to implement this most imperfect piece of legislation. A further difficulty was the task of trying to continue operations in wartime. The most obvious problem here was the fact that many of the Board's officials were on active service and operations had to be conducted using a skeleton staff. John Sutherland, the Small Holdings Commissioner, the key official for land settlement, was an especially significant absentee. In addition, many of the estate officials were also absent on active service, as were many potential applicants. A second problem was the rise in prices of the materials required for land settlement, such as timber, iron, wire, lime, and cement. The price of stock and farm implements also increased severalfold. This stretched the finances of the Board, which were reduced in the war years, and burdened the new holder with high annual charges.⁷⁸ For these reasons land settlement was largely in abeyance during the war. The rise in the price of stock caused considerable problems. The Board could not afford to take over farms which had large sheep stocks because of the likelihood of a large difference between the acclimatisation and market values.⁷⁹ Despite these difficulties some effort was made to implement schemes which had been conceived before the war.

Despite a vast bulk of government records relating to land settlement in this period, the available historiography is limited. What there is gives priority to proprietorial opposition in the comparative lack of success of land settlement. Some stress has been placed on the weaknesses of the 1911 Act.⁸⁰ More detailed examination has led to the conclusion that weaknesses in the Act were the fundamental difficulty faced by the BoAS. The imperfections allowed some proprietors to prevent the Board from carrying out its duty and hold it to ransom over the issue of compensation. The general provisions of the Act lacked clarity and definition. It is important to relate this to the origins of the Act. As has been noted in Chapter 6 the legislation was designed with short term political objectives in mind. The operation of the Act clearly demonstrates that these objectives militated against technical efficiency. The BoAS and the SLC were criticised for the speed at which they worked and were accused of political bias. There may have been some substance in such allegations. However, it should be understood that they were working with an imperfect implement. Further, the political environment in which they were created, and the political objectives of the 1911 Act made it difficult for them to appear apolitical.

As has been discussed, there were also difficulties which originated in the problems which the Board faced. Available land did not, and could never, match the precise demands of the applicants. The problem was potentially exacerbated when a Court of Session decision in 1917 created the class of absentee crofters. Previously, it had been the case that to qualify as a small landholder one had to live and continue to live within two miles of the croft. However, the ruling established that it was sufficient if this condition was satisfied on the 1st of April 1912, when the 1911 Act came into force. This did not affect new BoAS settlements as they chose their landholders from a large field of applicants in most cases. It was a problem in that established croft land could fall into the hands of people who were not particularly motivated to utilise it effectively. This could be incongruous in areas where the demand for land was high.⁸¹ Another problem arose when the BoAS discovered, as had the Crofters' Commission and the CDB before them, that crofters were reluctant to migrate. This elevated the physical constraints on land settlement in the Hebrides to high importance. This forced the Board to create holdings of a smaller size than they, or more helpful proprietors, were comfortable with. Settlements created by the Board tended to struggle in economically testing conditions. Indeed, this difficulty was beginning to emerge, even within the short period examined here. The fact that land settlement proved problematic, even in areas where proprietorial cooperation was forthcoming substantiates the conclusion that other factors merit attention.

VIII

Despite the difficulties, some progress was achieved. It is important to examine the extent of this. The following table shows the amount of land both arable and pasture utilised, in acres; the number of new holdings (NHs) and enlargements (Es) created. The level of land settlement (NHs + Es) is presented for each county as a percentage of the real demand (RD) satisfied. The real demand is calculated by subtracting the withdrawn, or unsuccessful, applications from the total number of applications.

County.	NHs	Es	RD	% RD Settled
ARGYLL	155	94	1409	17.7
CAITHNESS	73	100	691	25.0
INVERNESS	195	128	3234	6.9
ROSS	14	14	1865	1.5
SUTHERLAND	45	61	1308	8.1
TOTAL	482	398	8507	10.4

TABLE 7:1, *Land Settlement under Small Landholders' (Scotland) Act, 1911, April 1912 to December 1919.*⁸²

An overall figure of 10.4 per cent settlement of real demand could only be regarded as unsatisfactory. A number of the figures substantiate the conclusions of the geographical areas studied here. The high number of holdings on Tiree inflate the per centage settlement in Argyll. The high demand for, and complete failure of, land settlement in Lewis, is reflected in the disastrous per centage settlement in Ross. Even in areas of comparatively low demand, such as Caithness, where only 25 per cent could be settled, the success rate under this act was low.

However, a statistical exercise such as this can only present part of the overall picture. Suspicions have been raised here, concerning the viability of the policy of creating large numbers of small units. So, even the high figure of settlement for Argyll, for example, cannot be used as an infallible index of successful land settlement. The figures do demonstrate clearly that the 1911 Act, for all the reasons explored here, was an imperfect vehicle for land settlement in the Highlands. Further legislation was required. It came in 1919. The development of policy under the new legislation will form the substance of the remainder of the chronological section of this thesis.

1. *Glasgow Herald*, 5th January & 7th March, 1912.
2. SRO, Exchequer, KLTRFiles, E 824/869, KLTR to Cabinet Land Settlement Committee, 3rd September 1920; PRO CAB 27/105/256 & 294-6, BoAS, Land Division, Duties and Procedure; a handbook for BoAS officials written by the Small Holdings Commissioner in mid 1915
3. *Northern Chronicle*, 13th February 1918, Obituary of Lord Kennedy.
4. BoAS, Annual Report, 1912, viii.
5. BoAS, Annual Report, 1912, xi.
6. The process is described in detail in; PRO, CAB 27/105/263-278, BoAS, Land Division, Duties and Procedures.
7. PRO, CAB 27/105/298, BoAS Land Division, Duties and Procedure. BoAS, Annual Report, 1914, ix.
8. PRO, CAB 27/105/277, BoAS Land Division, Duties and Procedure; BoAS Annual Reports, 1913, viii-ix & 1914, viii. Examples of applications being made to the SLC where there was no real objection to the scheme can be seen in the cases of Skelpick in Sutherland and Greenhill in Tiree, SRO, Estate Management Files, AF 83/177, A.N. MacAulay (Solicitor for the Duke of Sutherland) to BoAS, 20th October 1913; AF 83/153, A. Lowis (Chamberlain of the Argyll Estates) to BoAS, 13th December 1912.
9. BoAS, Annual Report, 1912, xiv
10. PRO, CAB 27/105/302, BoAS Land Division, Duties and Procedure. BoAS, Annual Report, 1914, xii.
11. BoAS, Annual Reports, 1912, ix & 1914, xi & xvii.
12. PRO, CAB, 27/105/302-305, BoAS Land Division, Duties and Procedure.
13. BoAS, Annual Reports, 1913, vi & 1914, vi.
14. SRO, Crofting Files, AF 67/61, Police Report, Miavaig, Lewis, 28th November 1913; Memo by the Chief Constable of Ross & Cromarty Police, 29th November 1913.
15. A.S. Mather, *State Aided Land Settlement in Scotland*, (O'Dell Memorial Monograph, No6, Department of Geography, University of Aberdeen), 12.
16. J.P. Day, *Public Administration in the Highlands of Scotland*, (London, 1918), 230-1; SRO, Crofting Files, AF 67/61, BoAS Secretary to Under Secretary for Scotland,

1st December 1913; Colin MacDonald to John Sutherland, 20th December 1913.

17. SRO, AF 67/62, Superintendent of Police, Stornoway, to the Chief Constable of Ross and Cromarty, Dingwall, 30th January 1914; AF 67/61, Memo for the Secretary for Scotland, 4th December 1913.

18. SRO, AF 67/61, Neil MacLean (BoAS Asst Sub Commissioner) to John Sutherland, 8th December 1913.

19. SRO, AF 67/61, Note by the Lord Advocate, 29th December 1913; *Scotsman*, 20th March and 2nd April 1914.

20. The details of these 4 proposed schemes can be found in the following files, SRO, Estate Management Files, AF 83/71-73 (Galson), AF 83/352-354 (Orinsay & Stimervay), AF 83/355-358 (Carnish & Ardrol), AF 83/360-362 (Gress).

21. SRO, Estate Management Files, AF 83/71, SEG to BoAS, 7th June 1913; this was SEG's response to the Galson scheme but they used to same arguments, indeed the same form of words, in the other cases.

22. SRO, Estate Management Files, AF 83/352, Report on the Proposed Scheme of Land Settlement at Orinsay and Stimervay, 27th January 1913; AF 83/355, Report by Neil Maclean and Thomas Wilson as to Carnish and Ardrol, 30th July 1913; PRO, CAB 27/105/302, *BoAS Land Division, Duties and Procedures*.

23. SRO, Estate Management Files, AF 83/72, SEG to BoAS 4th December 1913; BoAS to SEG, 22nd January, 1914.

24. SRO, Estate Management Files, AF 83/73, BoAS to the Secretary for Scotland, 16th March 1916; Memo on Land Settlement in Lewis, 15th March 1916; BoAS to the Under Secretary for Scotland, 30th July 1917; Crofting Files, AF 67/390, Memo by R.P.Wright, 15th May 1917; BoAS, *Annual Reports, 1916, vii & 1919, xv*.

25. SRO, Estate Management Files, AF 83/73, Neil MacLean to BoAS, 10th March 1916.

26. L. Leneman, *Fit For Heroes? Land Settlement in Scotland after World War One*, (Aberdeen, 1989), 117; J. Hunter, *The Making of the Crofting Community*, (Edinburgh, 1976), 194; I.J.G. Taylor, *Housing and Land Settlement Policies in a Hebridean Parish from 1886 to the Present Day*, (Diploma in Town Planning Thesis, University of Glasgow, 1972), Chapter 2.

27. SRO, Estate Management Files, AF 83/73, Memo on Land Settlement in Lewis, 15th March 1916.

28. SRO, Estate Management Files, AF 83/355, Report by Wilson and MacLean as to Carnish and Ardrol, 30th July

1913; AF 83/71, Memo with reference to Lewis, June 1912; AF 83/352, Report on Proposed Scheme of Land Settlement at Orinsay and Stimervay, 27th January 1913.

29. SRO, Estate Management Files, AF 83/73, Memo with reference to Lewis, June 1912; Memo on Lewis Applications for Small Holdings, by Neil MacLean, December 1914

30. BoAS, *Annual Report*, 1914, viii

31. SRO, Estate Management Files, AF 83/71, SEG to BoAS 7th June 1913; AF 83/72 same to same, 24th November 1913; AF 83/356, same to same, 2nd October 1913: same to same 18th May 1914; AF 83/352, same to same 7th June 1913; same to same 7th November 1913; Af 83/353 same to same, 20th May 1914; AF 83/354, same to same, 23rd July 1914.

32. SRO, Estate Management Files, AF 83/73, Neil MacLean to BoAS, 10th March 1916.

33. These schemes are detailed in the following files, SRO, Estate Management Files, AF 83/74-76 (Ormicate, Bornish & Milton); AF 83/144-146 (Glendale); AF 83/190 (Askernish): SRO, Crofting Files, AF 67/143, (Eoligaray); the details of the earlier CDB scheme at Northbay in Barra in 1900 can be found in Chapter 5.

34. SRO, Estate Management Files, AF 83/75, Report by H.H. MacKenzie on Ormicate, Bornish & Milton, 9th April 1913; AF 83/76, Precognition of Thomas Wilson for the SLC, 25th February 1913; AF 83/144, Preliminary report by the Sub Commissioner on the farm of Glendale, South Uist, 12th October 1912; AF 83/190, Undated Minute to the BoAS Land Committee.

35. SRO, Estate Management Files, AF 83/76, Precognition of Thomas Wilson for the SLC, 25th February 1913.

36. SRO, Estate Management Files, AF 83/74, SEG to BoAS, 4th June 1912; same to same, 4th October 1912; AF 83/75, same to same, 3rd February 1913; AF 83/76, Precognition by Thomas Wilson, 25th February 1912; AF 83/144 SEG to BoAS, 29th January 1914; AF 83/190 same to same, 2nd September 1919.

37. SRO, Estate Management Files, AF 83/75, SEG to BoAS 3rd February 1913; AF 83/74, same to same, 16th November 1912; Particulars regarding Benkenneth grazing granted by the Crofter's Commission to 81 crofters as an extension of grazing at Whitsunday 1897.

38. Leneman, *Fit For Heroes?*, 94.

39. SRO, Estate Management Files, SRO, 83/75, Report by H.H. MacKenzie on Ormicate, Bornish and Milton, 9th April 1913.

40. SRO, Estate Management Files, AF 83/144, BoAS Memo concerning Glendale (South Uist), 29th January 1919.

41. *BoAS, Annual Report, 1914*, ix.

42. SRO, Estate Management Files, AF 83/144, BoAS Memo Concerning Glendale (South Uist), 29th January 1919; AF 83/145, Report by Sub Commissioner on Glendale, 14th February 1919; AF 83/146, BoAS to the Under Secretary for Scotland, 3rd October 1921; SRO, Crofting Files, AF 67/146, Sir Reginald MacLeod to Lady Gordon Cathcart, 5th March 1919; SRO, Exchequer, KLTR Files, E 824/574, BoAS to the Treasury, 7th October 1921.

43. SRO. Estate Management Files, AF 83/190, Report by Sub Commissioner on Askernish Farm, 17th July 1919; BoAS to Under Secretary for Scotland, 11th December 1919; SEG to BoAS, 28th April 1920;

44. SRO, Crofting Files, AF 67/143, BoAS to Barra Cottars, 20th March 1917; Police Report, Castlebay, Barra, 5th April 1917; Under Secretary for Scotland to SEG, 15th September 1917; Police Report, Castlebay, Barra, 2nd September 1917.

45. SRO, Crofting Files, AF 67/143, Thomas Wilson to Robert Wright, 7th November 1917; Supplementary Report by the Sub Commissioner for Small Holdings on the Estate of Eoligaray, Barra, 7th November 1917; SLC Note, 7th December 1917; SEG to the Under Secretary for Scotland, 14th January 1918; BoAS to SEG, 10th January 1918; *BoAS Annual Report, 1918*, x; Leneman, *Fit For Heroes?* 108.

46. SRO, Estate Management Files, AF 83/145, Report by the Sub Commissioner on Glendale, 14th February 1919; AF 83/190, BoAS to the Under Secretary for Scotland, 11th December 1919.

47. I.F. Grigor, *Crofters and the Land Question (1870 to 1920)*, (PhD Thesis, University of Glasgow, 1989), Volume II, 98.

48. SRO, Crofting Files, AF 67/144, Police Report, Lochmaddy, North Uist, 23rd July 1914; Estate Management Files, AF 83/385, Memo by Thomas Wilson, 24th May, 1913.

49. SRO, Estate Management Files, AF 83/385, Report by Sub Commissioner on Cheesebay Farm, 20th September 1913; AF 83/386, Notes of meeting between the Small Holdings Commissioner, the Factor for North Uist & Messrs Hunter & Co (Solicitors for the proprietor, Sir Arthur Campbell Orde), 18th March 1914.

50. PRO, CAB 27/105/299 & 312, *BoAS, Land Division, Duties and Procedures*.

51. SRO, Estate Management Files, AF 83/390, BoAS to the

Under Secretary for Scotland, 26th June 1917; BoAS, *Annual Report, 1914*, xi.

52. SRO, Estate Management Files, AF 83/390, BoAS to the Under Secretary for Scotland, 26th June 1917; Hunter, *Crofting Community*, 193.

53. J.R. Coull, "The Island of Tiree", *Scottish Geographical Magazine*, 78, (1962), 17-24.

54. The Tiree schemes are detailed in the following files, SRO, Estate Management Files, AF 83/111-112 (Hynish), AF 83/152-153 (Greenhill), AF 83/157-158 (Baugh), AF 83/249-250 (Balephetrish), AF 83/433-435 (Heylipol).

55. SRO, Estate Management Files, AF 83/158, Statement of facts to the SLC in Application by BoAS for Constitution on the farm of Baugh, Tiree, 1913; AF 83/111, Memo for the Small Holdings Commissioner, 16th October 1912; AF 83/250, BoAS to the Under Secretary for Scotland, 18th March 1914; BoAS *Annual Reports, 1913*, vi & *1914*, vii.

56. SRO, Estate Management Files, AF 83/249, Minute by the Small Holdings Commissioner, 28th January 1913; BoAS to Messrs Lindsay Howe and Co (Solicitors for the Argyll Estates), 27th June 1914.

57. SRO, Estate Management Files, AF 83/250, Memo for the Land Committee of BoAS: Tiree, 31st July 1920; Crofting Files, AF 67/165, Memo Regarding Land Settlement and Raids on Tiree, February 1918.

58. SRO, Estate Management Files, AF 83/250, Messrs Lindsay, Howe and Co to BoAS, 7th January 1919.

59. SRO, Estate Management Files, AF 83/153, Tiree Crofters to Thomas MacKinnon Wood (Secretary for Scotland), 14th April 1913.

60. SRO, Estate Management Files, AF 83/111, Notes for Evidence for the SLC with reference to the scheme for the farm of Hynish, Tiree, 11th June 1913.

61. SRO, Exchequer, KLTR Files, E 824/515, BoAS to the Treasury, May 1921, KLTR to Treasury, 15th July 1921; Estate Management Files, AF 83/251, BoAS to Messrs Lindsay, Howe & Co, 29th March 1922.

62. Leneman, *Fit for Heroes?* 17.

63. *Glasgow Herald*, 29th & 31st October 1913, 1st January 1914; SRO, SLFP, GD 325/1/223, Lord Lovat to the SLFP.

64. In 1916 he gifted the 12,000 acre farm of Borgie to the nation to be used for land settlement of ex

servicemen. Around half of the land was to be used for forestry thus affording an income to the settlers other than their small holdings. Many were keen to question the Duke's motives for such a gift. The Highland Land League noted that the farm had been in the Duke's own hands for the last 15 years and that it represented a declining asset. Despite the litany of criticisms that the land was worthless and remote there was a considerable demand for small holdings on it. L. Leneman, "Borgie: A Debatable Gift to the Nation?", *Northern Scotland*, 9, (1989), 81.

65. SRO, Estate Management Files, AF 83/614, Scottish Office/BoAS Memo, 24th September 1917; *BoAS Annual Report, 1917*, x.

66. SRO, Estate Management Files, AF 83/614, Scottish Office/ BoAS Memo.

67. SRO, Estate Management Files, AF 83/615, Sir Archibald Sinclair (MP for Caithness and Sutherland) to the Secretary for Scotland, 8th April 1924; Observations by BoAS on Sir Archibald Sinclair's letter; Leneman, *Fit for Heroes?* 67.

68. SRO, Estate Management Files, AF 83/111, Report on the farm of Hynish, Tiree, 30th November 1913; *BoAS, Annual Report, 1914*, xiv.

69. PRO, CAB 27/105/300-301, *BoAS, Land Division, Duties and Procedures*.

70. Churchill College, Cambridge, Thurso Collection, THRS V 1/1/200, Lord Novar to Archibald Sinclair, 19th June 1924; Leneman, *Fit For Heroes?* 68-70.

71. For the role of the SLPF in the years 1906 to 1911, see above Chapter 6.

72. SRO, Exchequer KLTR Files, E 824/869, KLTR to Cabinet Land Settlement Committee, 3rd September 1920.

73. SRO, SLFP, GD/325/1/14, Returns to Schedule of Questions relative to the administration of the Small Landholders (Scotland) Act; GD 325/1/25, Notes on the administration of the Small Landholders Act, 1911; GD 325/1/48, Memo Relative to the administration of the Small Landholders (Scotland) Act; a copy of this memo can also be found in Skene, Edwards and Garson Papers, Deed Box A6, Lady Gordon Cathcart, No6, Bundle 2.

74. SRO, SLFP, GD 325/1/210, Account of proceedings at a meeting held at SLPF Offices, 8th August 1913; Leneman, *Fit For Heroes?* 11; Day, *Public Administration*, 229.

75. SRO, SLFP, GD 325/1/148, Memo Relative to the Administration of the Small Landholders (Scotland) Acts,

1st March 1914; PRO, CAB 27/105/263, BoAS, Land Division, Duties & Procedure.

76. B.B. Gilbert, "David Lloyd George: Land, the Budget, and Social Reform", *American Historical Review*, 81, (1976); B.B. Gilbert, "David Lloyd George: The Reform of British Land Holding and the Budget of 1914", *HJ*, 21, (1978); H.V. Emy, *Liberals, Radicals and Social Politics, 1892 to 1914*, (Cambridge, 1973), Chapter 6; H.V. Emy, "The Land Campaign: Lloyd George as a Social Reformer, 1909 to 1914", in A.J.P. Taylor (ed), *Lloyd George: Twelve Essays* (London, 1975).

77. *Scottish Land: Rural and Urban*, The Report of the Scottish Land Enquiry Committee, (London, 1914), 115-122. Leneman, *Fit For Heroes?*, 212 (footnote 44); Anonymous, "Proposals for Land Reform in Scotland", *International Institute of Agriculture: Bulletin of the Bureau of Economic and Social Intelligence*, (September 1915), 99.

78. SRO, Exchequer, KLTR Files, KLTR to Cabinet Land Settlement Committee, 20th September 1920; BoAS Annual Report, 1915, x-xi; W.R. Scott, "Scottish Land Settlement", in D.T. Jones, J.F. Duncan, H.M. Conacher & W.R. Scott, *Rural Scotland During the War*, (London, 1926), 242-244; Anonymous, "The Scottish Land Court in 1915", *International Institute of Agriculture: International Review of Agricultural Economics*, (June 1917), 65-6 & 74.

79. BoAS Annual Report, 1917, ix-x.

80. Hunter, *Crofting Community*, 193-4; Leneman, *Fit for Heroes*, Chapter 1.

81. *Court of Session Cases*, 1917, 453-63, *Rogerson v Chilston*; J.Scott, *The Law of Smallholdings in Scotland*, (Edinburgh, 1933), 71.

82. Figures taken from BoAS Annual Report, 1919, Appendices Nos 1 & 2. The figures for the acreages, arable (A) and pastoral (P), involved in the creation of these holdings was as follows; Argyll 4027(A) 18634(P); Caithness 4429 4734; Inverness 4715 39381; Ross 370 4266; Sutherland 1950 40377.

CHAPTER EIGHT

Land Settlement from 1919

The Land Settlement (Scotland) Act, 1919, was passed in very different circumstances to its predecessor in 1911. All parties attempted to avoid the controversies which had characterised debate over land legislation hitherto. The Lord Advocate, T.B.Morrison, winding up the first reading of the Bill in August 1919, referred to the "very strong disposition on all sides" to bury the former arguments on land policy. However, opening the same debate the Secretary for Scotland, Robert Munro, had presented the Bill in much the same rhetorical manner as the 1911 Act. The "freshness, freedom and peace" of rural life was contrasted to the "drive, artificiality and fever" of an urban existence. The political power of the Coalition had much to do with the ease with which the act was passed. The act was presented as an attempt to fulfill the pledge given to recruits that they would receive land on their return from the war.¹ This, however, was only a part of the motivation of the Coalition government. By 1919 the deficiencies of the 1911 Act had become all too clear. There had been some wartime activity on the land issue. 1916 had seen the passage of the Small Holdings Colonies Act. This allowed the BoAS to acquire, either by purchase or lease, land to extent of 2000 acres. There were no associated financial provisions. This, allied to reduction of the parliamentary vote to the Agriculture (Scotland) Fund in wartime, ensured that little would be achieved under this act. An amendment was made in 1918 which extended the amount of land to 200,000 acres. The continued lack of finance was a major obstacle to progress and the restriction that 75 per cent of the land be arable excluded much of the Highlands. 1916 had also seen the Sailors and Soldiers (Gifts for Land Settlement) Act. This empowered the BoAS to accept gifts for land settlement. These were not numerous.² These minor pieces of legislation could not, and were not intended to, provide a comprehensive solution to the Scottish land problem. The Land Settlement (Scotland) Act was the Coalition's attempt to provide this.

I

The debate between two competing mechanisms for creating new small holdings was a constant theme of the history of government policy in the Highlands since 1886. The Crofters' Act and the 1911 Small Landholders Act both provided for the creation of new holdings on privately owned land. The 1897 Act provided facilities for crofters to become the owners of their holdings. The 1919 Act contained elements of both ideas. Part I empowered the Board to acquire land, compulsorily if necessary. The Board could then act as landowners, or sell the land on to applicants for small holdings. The powers of the 1897 Act for the assistance of owner occupiers and the adaptation of holdings remained in force. More importantly perhaps, given the events of recent years the second part of the Act was an amendment of the 1911 Act. Three areas of amendment are of particular note. The role of the SLC was reduced. The BoAS now had the power to issue an order for the establishment of new holdings, without reference to the SLC. The sanction of the Secretary for Scotland was required. If he had reservations concerning the scheme he could ask the SLC to inquire. The procedures for compensation were also altered. The landlord's right to appeal to an arbiter for claims of more than £300 was removed. All claims were now to be settled by the SLC. The landlords' right to claim compensation for loss of selling value was abolished. The House of Lords unsuccessfully tried to amend the Bill to reintroduce this provision. Munro condemned such an amendment as likely to prove "fatal" to the successful operation of the Act and admitted that it was this clause more than any other which had made the 1911 Act "unworkable". He could no longer claim compensation for the loss of more than three years profit consequent on the establishment of small holdings on his estate. In 1920 it was noted, that while the high compensation awards had been a major obstacle to the operation of the 1911 Act, the new procedures limited compensation awards effectively.³

A wholly new area in the Act were the provisions for the preferential treatment of ex-servicemen. Preference was to be given for a period of two years after the passing of the Act. Later, a public announcement was made that no applicant would be preferred if his application was not received by 1st March 1921. The Board did not enforce this rigorously, and the ex service preference lapsed in 1926. The ex service applications were certainly a major proportion of the demand for new holdings in the immediate post war era.

Year	Total Applications	Ex Service Applications	%
1920	2273	1720	76
1921	1416	617	44
1922	814	453	55
1923	606	384	63
1924	705	342	49

TABLE 8:1, Ex Service Demand for Land Settlement, 1919-1924.⁴

This pattern of demand was consistent with that surrounding earlier pieces of legislation. Demand tended to peak when legislation was new and fall away later. The ex-service dimension tended to complicate matters and may have dissuaded civilians from applying in the early post war years. As can be seen from these figures the civilian demand rose proportionately as time went on. The corollary of this was that much of the ex-service demand in the immediate post war years was nominal. The mere existence of the opportunity for ex-service men, encouraged some, who would not otherwise have done so, to apply for land. The BoAS attempted to deal with this problem in 1922 by issuing a circular to all ex-servicemen whose applications had been received before January 1922. As a result, 1584 applications were removed from the Board's lists. Either, because the men intimated that they no longer wished to be considered for land settlement, or because they did not reply to the circular or the reminders that followed it.⁵

The finance provisions of the Act are also of interest. The Board were empowered to borrow from the Public Works Loans Commissioners (PWLC) a sum of up to £2.75 million. In July 1920, only seven months after the passing of the Land Settlement Act the cabinet considered that demand for land was much higher than the available funds could cope with. The possibility of discontinuing land settlement was rejected, on account of the social, as well as law and order consequences. Due consideration was given to the fact that pledges had been made at the time of recruitment and during the 1918 election campaign. It was agreed that a Cabinet Committee should be set up to consider the "policy and machinery of land settlement". The Secretary for Scotland, Robert Munro was included on this Committee.⁶ The members of the Committee submitted memoranda at the outset of their investigations. These contain much detail on the land settlement problem. The principal theme running through their submissions, was that the problem was administrative and that it could be solved by devolving responsibility for Highland

Land Settlement to a separate body. Lowland land settlement could be brought into line with the English County Council arrangements.⁷ The Secretary for Scotland differed from this view. He argued that the financial provisions of the 1919 Act were inadequate. He conceded that economies could be made to release more money for land settlement. It was his belief that it would be necessary to settle 1000 holders per annum to keep pace with demand. He concluded;

the present centralised new machinery could, I believe, cope with this number with a certain strengthening of the Technical Departments.⁸

The main objection to the idea of decentralisation was that it should be funded by local contributions. Munro felt that it would not be politically possible to add to the burden of rating in the Highlands. There were also grave doubts as to the value of seeking the cooperation of Highland County Councils in land settlement since they had no experience in the field. Munro repeated his view that the problem "was entirely one of money". The view emerged from the Committee's deliberations that the problem of land settlement in the Highlands was entirely different from that in the rest of the country, and that there was a good case for preferential treatment.⁹

The report of the committee was submitted to the Cabinet in late November 1920. It confirmed that the Highland land settlement issue was unique. It was recommended that Land Settlement should be put under the sole direction of the Director of Land Settlement, Sir Arthur Rose, who would have direct access to the Secretary for Scotland. Economies should be effected by acquiring land which was already equipped and by reducing the size of new holdings. Expenditure was to be tightly controlled. Robert Munro dissented from elements of the report, particularly the administrative provisions which amounted to a sidelining of the BoAS in favour of the Director of Land Settlement. He also differed from one of the suggested methods of economising. It had been recommended that loans to new holders to purchase stock should be limited to 50 per cent of the value of the stock. He pointed out that this would be "an insuperable obstacle" to the settlement of ex service men.¹⁰

The Committee also recommended that an extra £1 million should be made available to the BoAS for land settlement. The bulk to be allocated to the Crofting Counties. This represented a victory for Munro. When the report was at the draft stage it was only proposed to allocate an extra £333,000 to Scottish land settlement. Munro

argued that this "would be of little value in solving the problem". Subsequently, it was agreed to find an extra £750,000. It was suggested that this could come from the arrears of the Agriculture (Scotland) Fund, which had been suspended during the war.

In many ways this Committee exemplified problems which could be traced back to the 1906 to 1911 period, when Highland and Lowland land settlement were conjoined. It was the contention of many in the Highlands that this was a mistake. The war added to the immediacy of the problem, and the land raids, which were common in the immediate post war period, added to the case for special facilities for the Highlands. Clearly, it would be politically impossible to radically alter the 1919 administrative regime so early in its life. The alternative was to instruct the Director of Land Settlement to favour the Highlands without making a policy statement to that effect. The Cabinet gave effect to this shift in policy in January 1921.¹¹

The second point to emerge was that Highland land settlement should not be regarded simply as part of the general post-war reconstruction policy. Further, it was not simply an ex service problem. The impression that it was has remained because of the conjunction of the end of the war and the new legislation. Also land settlement in this period was taking place across Europe. The problems faced on the continent were much greater and qualitatively different as in some areas much farm land had been destroyed by the fighting and there was a general history of peasant proprietorship.¹² Land settlement in the Highlands was an ongoing process with roots as far back as 1886, although it was given new impetus by the debate on reconstruction.¹³ The 1919 Act was not a new policy departure, but the latest in a series of Acts dealing with Highland land. This allowed the Highlands to be regarded as a special case. Indeed, the ex service preference could on occasion be an obstacle to land settlement in the Highlands. In the case of Raasay, discussed below, none of the applicants for new holdings were ex service men. They were, however, applicants of long standing and it was impractical to ignore them. The problems being discussed by the Committee was a manifestation of the ongoing crofting problem, and not a new ex service problem.¹⁴ The 1919 Act had been passed to accelerate land settlement and to amend existing legislation. Although the government rhetoric in 1918 and 1919 concentrated on the idea of fulfilling a pledge to war veterans, the internal discussions in the government made clear that the Act was primarily intended as an improvement to existing procedures. The problems with the 1911 Act were such, and were evident so quickly, that the war probably delayed, rather than encouraged, amendment.¹⁵

The Board's rights to borrow from the Public Works Loans Commissioners was reduced to £3 million following the Report of the Geddes Committee on National Expenditure in 1922. This Committee has often been seen as a reaction to the heavy expenditure incurred in the immediate post-war era. It followed on the heels of the vocal anti-waste movement, which had campaigned vigorously for reduced public expenditure. The political impact of the anti-waste movement was among the factors which forced the government to act. The Treasury may have been suspicious of the Geddes Committee, suspicions motivated by institutional jealousy of outsiders involvement in the policy making process. There can be no doubt, that as far as Scottish land settlement was concerned, they shared the same parsimonious view. Nevertheless, the Geddes Committee echoed the 1921 Cabinet Committee in stating that the Highlands were a special case, exempt from the wider economies in the Board's operations which were recommended. The main areas which were affected by the "Geddes Axe" were Lowland land settlement, which was to return to the pre-war basis, and the administration and personnel costs of the Board.¹⁶

A recent author has argued;

... the initial impetus for land settlement during the war years did not emanate from the Highlands of Scotland but from England.¹⁷

This is a striking thesis. It is based on the existence of Committees in the Department of Agriculture and Fisheries which considered the settlement of ex servicemen on the land. Certainly such Committees did advocate land settlement. Further they recommended settlement in colonies, by tenancy, not purchase.¹⁸ There is no evidence to link these recommendations with Scotland. The ideas were consistent with the details of English land settlement. The discussion in this chapter will show that the impetus for post war land settlement in Scotland, and the Highlands in particular, came from the experience in the crofting counties since 1886.

The 1919 Act represented a considerable improvement on its 1911 predecessor, with the removal of the SLC stage leading to much quicker settlement of schemes. Nevertheless, procedure was still complicated and complaints about the ponderous nature of the BoAS soon arose.

II

The island of Lewis took up a considerable proportion of the time and energy of the BoAS. A new factor was the personality and wealth of its plutocratic proprietor Lord Leverhulme. He had acquired the island in 1917. The BoAS had had considerable problems with the previous estate management, under Major Duncan Matheson which had fundamental objections to land settlement. The 1911 regime could not cope with such obstruction, as has been noted. These problems, compounded by wartime difficulties, had led to a situation, in 1916, where all four land settlement schemes for Lewis farms were suspended.¹⁹ In May 1917 the Board considered that it was time for the proceedings to be revived. It was not proposed to carry out the schemes there and then, but rather to prepare them so that they could be implemented quickly following the end of the war. Particularly, the BoAS wished to proceed beyond the arbitration stage.²⁰

The Board contacted the new proprietor to establish his views on land settlement. They found that he was opposed not only to land settlement but also to the crofting system. He had grandiose schemes for the development of the island. He aimed to develop the fishing industry along modern lines. Processing facilities were to be built at Stornoway. The infrastructure of the island was to be improved, particularly roads and bridges. Leverhulme even had ideas for the construction of a railway system. Leverhulme argued that he had bought the estate without being aware of the existence of the schemes.²¹ This seems unlikely, but if true, represents a major failure on the part of his legal agents. It is possible that Skene Edwards and Garson chose not to specifically advertise the fact that these schemes were pending, in an effort to make the property seem more attractive. By 1917 Matheson was in a near bankrupt condition and was desperate to sell Lewis. Despite this possibility, Leverhulme must have been aware of the existence of the general ongoing process of land settlement.

Leverhulme regarded crofting as an unhealthy and uneconomic mode of life and its extension by the government a "gross waste of public money". He pointed out that a croft occupied only a small proportion of a man's time for a very small return. He regarded a croft as a millstone round a potential wage labourer's neck. At this stage he was only in favour of granting very small allotments which could be worked in the employee's spare time. He pointed out that the Lewis farms were not big enough

to meet the demand for small holdings even if they were all utilised, and a partial settlement could only lead to more agrarian trouble. He suggested that the Board should not proceed with the schemes until they had had an opportunity of evaluating his contribution to the island.²²

The Board and the government were reluctant at this stage, while the new legislation was going through parliament, and just after it was passed, to give such an undertaking. At the same time, they were aware of the scale of Leverhulme's commitment to the island. They did not want to be identified as the cause of him withdrawing his schemes, with all their potential benefits. It was estimated, in March 1919, that the demand for small holdings and enlargements in Lewis extended to 1273 applications. Against this, the schemes which the Board had prepared for the farms of Galson, Gress, Carnish and Ardrol, and Orinsay and Stimerway could only cater for 150 applicants. However, if Leverhulme's opposition to land settlement was dropped another 254 holdings could be created on farms with rentals in the £30 to £80 category. The Board were keen that land settlement should proceed alongside Leverhulme's plans. It was hoped that the latter would absorb a considerable amount of the latent demand for land. Leverhulme's absolute position stemmed from the fact that he believed that the breaking up of farms, particularly those near Stornoway, would prejudice the milk supply for the enlarged urban population.²³ The Board warned Leverhulme, that while they appreciated his good intentions and the scale of his investment, the level of commitment to crofting tenure amongst the population should not be underestimated. Further, he was warned that should he persist in his absolute opposition to land settlement, his popularity would be eroded.²⁴

The issue was complicated by the renewal of raiding in Lewis, when the veterans of the Great War returned. News of raids at Tong, Coll and Gress reached the BoAS at the end of April 1919. The raiders declared they would have nothing to do with the schemes of the proprietor and declared their absolute and unconditional demand for land. They were willing to deal only with BoAS whom they regarded as having a duty to provide them with new holdings. Thomas Wilson, the Board's senior Sub Commissioner in the Hebrides, reported that raids could be expected at Galson, Carnish and Ardrol, and Reef.²⁵ The farms of Coll and Gress became the focus of the three cornered struggle between the raiders, Leverhulme and the BoAS. For the raiders and the proprietor the issue was straightforward. The former wanted land and the latter wanted to carry out his schemes which required the land coveted by the raiders. The situation was more complex for the BoAS. They had a statutory duty to attempt to carry out schemes of land settlement. Coll and Gress were "available" as

defined by the Act. However, they realised that they would be open to a justified case of villification if they were perceived as the cause of Leverhulme carrying out his threat to cancel his schemes, if land settlement on these farms was carried out. By the Autumn of 1919 the raiders had been persuaded to leave the farms.

1920 saw the situation become much more serious. The three dimensional nature of the argument in Lewis become clearer. Indeed, 1920 was a difficult year for the Board. In the Autumn they decided that their funds were fully committed and they announced that they could not consider any new schemes. Compulsory procedure could be used to carry out land settlement on Gress but in the case of Coll, which was rented at less than £80, Leverhulme's co-operation was required.²⁶ Renewed raids in January 1920 produced a crisis situation.²⁷ Leverhulme adopted a twin track approach. He abandoned all his schemes in the rural districts of Lewis and decided to concentrate solely on Stornoway and on Harris. He also took out interdicts on the raiders, in an attempt to prevent them from occupying Coll and Gress. It was one of Leverhulme's constant refrains that his relationship with the people of Harris was not blighted with problems caused by an isolated minority who insisted in raiding farms. They had of course appealed to his vanity by renaming the township of Obbe in his honour.²⁸

Misinterpretation followed the government's attempt to deal with the raiders in the Autumn of 1920. The Lord Advocate, T.B. Morrison, was sent to Lewis to meet with the raiders and ascertain their views. He obtained from the raiders an undertaking that they would withdraw from Coll and Gress and not renew their occupation until the following spring. He made no mention of a promise that land would be found for them. For their part, the raiders believed that such a promise had been made. They agreed to withdraw in their own words "in the confident belief that there will now be no further delay on the part of the Board".²⁹ Whatever the truth of the contending claims surrounding the Lord Advocate's mission to Lewis the raiders certainly perceived that they had elicited a promise from the Board. Further, the BoAS were putting pressure on the Government in October 1920. They described the immediate aftermath of Morrison's report as an "opportune moment" to proceed with land settlement. They noted that this window of opportunity would close if no progress was made by the spring.³⁰

Leverhulme spent the winter of 1920 organising meetings throughout Lewis in which his schemes were put to the vote. The majority of these meetings endorsed his plans. Significantly, those in the district of Back, where Coll and Gress were situated, were more equivocal. As a scientific test of opinion these meetings did not satisfy the Board. They were aware that the simple passing of resolutions could be easily manipulated to convey the desired impression. Despite these worries, the Secretary for Scotland acceded to the demand of Lord Leverhulme that he should be allowed to pursue his development schemes for ten years in return for a pledge that no farms would be broken up for land settlement. Before doing so he had informed the Cabinet of the situation in Lewis. He pointed out that the conditions demanded by Leverhulme, a cessation of raiding and a pledge that BoAS would not use its compulsory powers for ten years, could not be met in full. It is also clear from Munro's memo to the Cabinet that he would have preferred land settlement and the development schemes to proceed simultaneously. He felt that Leverhulme's schemes, if successful, could provide a more comprehensive solution to the problems of the island than any government policy. Thus, he recommended that Leverhulme should be given "his chance". In return for this, Lord Leverhulme offered five farms on the west coast.³¹ These were; Maelistra, Carnish and Ardrol, Timisgarry, Reef, and Dalbeg. They were quickly settled using Part II of the Land Settlement Act and the holders were given entry to the 57 new holdings and 170 enlargements at Whitsunday 1921. Unfortunately for the future peace of the island, the Coll and Gress raiders would not accept land on the west coast.³² They still regarded themselves as the parties to an agreement with BoAS that they would receive holdings on the farms of Coll and Gress. The Secretary for Scotland was at pains to assure them that no such promise existed.³³

June 1921 saw the third of an annual series of raids on Coll and Gress. These were to have profound results. Leverhulme had no hesitation in stopping all his development works. In September, Munro informed Leverhulme that, from his point of view, the agreement of December 1920 had been breached and he intended to proceed with land settlement on Coll and Gress. He justified his action in terms of the duty conferred on him, as Secretary for Scotland, by the 1919 Land Settlement Act. Munro has been criticised for the "alacrity" with which he withdrew from the agreement of December 1920. However, at the time the agreement was reached Munro was far from convinced of the value of Leverhulme's plans. Further he was aware of the likely effect of the agreement. He informed the Cabinet,

I fear that if and when a public announcement is made that only a very small and local scheme of land settlement is to proceed, raiding will be renewed, and Lord Leverhulme will cease his operations. This risk, I think, must be faced.³⁴

Munro was not only uneasy about concluding the agreement but less than sanguine about its value. It is not surprising that he should have taken the first opportunity to withdraw from it.

Coll and Gress contained only a small proportion of arable. A scheme was also proposed for Orinsay and Stimervay in Lochs, described as of "little agricultural value". An appeal was made to the Treasury to grant the necessary money without the usual detailed estimates being supplied. The "special urgency" of land settlement in Lewis was used as a justification for this unusual procedure. The Treasury agreed reluctantly on the condition that the expenditure per holding was limited to £200 per holding.³⁵

As there were more applicants than holdings a ballot had to be conducted. Leverhulme tried to persuade the Board, without success, that the raiders should be excluded from it. The Board were well aware that their exclusion would lead to renewed and intensified trouble. It was decided that involvement in a raid would not be regarded as a disqualification for a holding.³⁶

1922 saw repeated threats of raids on the farm of Galson on the West coast. Leverhulme was opposed to a scheme for this farm. However, the government argued that their promise, of December 1920, not to use compulsory powers, need no longer stand, as Leverhulme had breached his part of the bargain by stopping his development works. Galson, 6115 acres in extent, was the last remaining substantial farm which had not been broken up. BoAS had prepared a land settlement scheme for it in 1912, but this had never been implemented due to the combined difficulties of the war and the unsatisfactory provisions of the Small Landholders Act. The new scheme involved the creation of 57 new holdings. The government still retained a slight hope of Leverhulme restarting his works and were worried lest the use of compulsory powers occasion a "complete break" with him. By January 1923, it was

clear that all works were at a standstill and were likely to remain so.³⁷ In the following month, the Board approached the Treasury to sanction expenditure of £10,069 for the 57 new holdings on Galson. The Treasury were advised to grant this request as the "district is dangerous".³⁸ Despite Leverhulme's opposition the scheme went ahead.

By 1924, all the large farms, and some of the smaller ones, had been utilised for land settlement. Leverhulme was taking steps to dispose of Lewis and concentrate his activities on the less troublesome island of Harris. Leverhulme's proprietorship of Lewis has led to considerable debate.³⁹

It has been argued that the departure of Leverhulme from Lewis was a lost opportunity for the Island. It has been further conjectured that some judicious compromise by the raiders and the government, as well as Leverhulme could have seen land settlement proceed alongside the development works. These questions are impossible to answer. However, it should be borne in mind that Leverhulme held the crofting system in utter contempt, and had done so from his earliest connection with the island. He was an "individualist" and felt that action taken in common could never be successful. Land settlement, in his view, "made the permanent solution of the problems of Lewis impossible".⁴⁰ There does not seem to be a basis for compromise in such an attitude. Nevertheless, Leverhulme was capable of agreeing to land settlement in certain circumstances. His agreement to the schemes on the Uig farms in the winter of 1920-21 was in his view a realistic price to pay for the security of an agreement with Munro that the compulsory powers of BoAS would henceforth be suspended.

There were a number of factors which added to the difficulty of the situation. Coll and Gress had become the focus of the Lewis land problem. The proximity of these farms to Stornoway had allowed Leverhulme to argue that land settlement would prejudice the milk supply to that town. This argument was attacked at the time by BoAS officials. Historians have also pointed out its weakness. There may have been a point for discussion here, but Leverhulme elevated it to a fundamental obstacle to the breaking up of the farms. The Board's view was that if Stornoway developed as Leverhulme anticipated, Coll and Gress would never be able to supply it with milk. Prior to the granting of the West Coast farms, in 1921, Leverhulme used every argument at his disposal in an attempt to dissuade the Board from breaking up the farms. Although compromise should have been possible on this point, in reality, it was extremely unlikely given Leverhulme's aims.⁴¹

The raids, particularly at Coll and Gress but also at Orinsay and the threats at Galson, undoubtedly intensified Leverhulme's opposition to land settlement. It was his view that the raiders were an isolated minority and that their view was abhorred by the rest of the population. He informed the Board "out of the 32,000 people in Lewis, only 30 are raiders", and described the raiders as a "small number of misguided men".⁴² The level of support for Leverhulme has always been a difficult point to resolve. The point has been made that Lewis divided into an urban portion firmly behind his schemes and a rural one which was more sceptical. Certainly, the establishment figures in Stornoway, business men and senior local government officials, were supportive of Leverhulme.⁴³ In the rural areas, Leverhulme made much of the fact that in 1921 he was able to garner 9000 signatures for a petition supporting his schemes. The series of public meetings organised later that year also seemed to indicate majority support for him. However, there were problems with both these tests of opinion. The petition was a straight question of support for the development plans. Leverhulme, however, used it in an attempt to isolate the raiders. Clearly, most people were likely to support the plans with their promise of prosperity. This did not preclude them from sympathy, at least, with the raiders. The Lord Advocate reported that it was his impression that the majority of the population wished land settlement and Leverhulme's development schemes to proceed together. The meetings were subject to the same problem. In addition, the Board did not regard them as valid because there was no way of ascertaining whether the attendance was representative or not. They would have preferred an individual, rather than a mass, test of opinion.⁴⁴

Much attention has been given by historians, particularly Hunter, to a meeting held at Gress in March 1919, supposedly attended by 1000 people. Leverhulme addressed this meeting, outlined his schemes and predicted the prosperity which they would bring about. The intervention of one of the anti- Leverhulme faction drew a rapturous response. However, so did Leverhulme's contribution. The date of this meeting is significant. March 1919 was prior to the first of the raids on Coll and Gress and prior to the main government attempt to persuade Leverhulme to give up the farms for land settlement. Therefore, caution should be exercised in pointing to it as definitive evidence of support for, or opposition to, Leverhulme's projects. Nicolson's comment, "it was not easy then to assess where the majority feeling lay" seems the most sensible conclusion.⁴⁵

Nicolson admits that this is a difficult issue to resolve. His interview with surviving Coll raiders casts little light on it. They argued that the rest of the population "understood" what they were doing. Interestingly they also pointed out that the raids did not necessarily indicate opposition to Leverhulme, merely, that they considered their claim to the land to be of more importance.⁴⁶ This kind of impressionistic evidence is difficult to evaluate. What seems clear, is that Leverhulme quickly developed an intense dislike for the raiders and their actions. So much so, that he wished to exclude them from the ballot for holdings on the farms. It is possible that Leverhulme, as a businessman, was not used to dealing with obstacles that could not be cleared immediately with a judiciously applied sum of money. Clearly, the commercial world which he was used to could not prepare him for the complexities of dealing with land raids in Lewis. Even Government officials with long years of experience found this task of considerable difficulty.

In an attempt to prevent Coll and Gress being taken for land settlement, Leverhulme pointed out that these farms would not be sufficient to satisfy the demand for land on the island, and that if they were taken it would only increase the potential for trouble. He also argued that it was impossible to create "economic" or self sufficient holdings on the farms. It was obvious that Coll and Gress, indeed, all the farm land in Lewis, was insufficient for this purpose. However, it seems contradictory for Leverhulme to point this out if he truly believed that the raiders were in such a small minority. Settlement of Coll and Gress may have taken the heat out of the situation. The fact that other farms were settled before Coll and Gress only added to the feeling of grievance among the raiders.⁴⁷ It seems that most of the population of Lewis were prepared to give Leverhulme's schemes the benefit of the doubt while they were likely to go ahead. Once that likelihood passed they returned to their demands for land. In 1919, the total demand for new holdings and enlargements in Lewis amounted to 1273 applications. The corresponding figure for 1923, after the settlement of the four west coast farms and the suspension of Leverhulme's development schemes, was 1098.⁴⁸

Insufficient attention has been paid to the years prior to Leverhulme's proprietorship. The land raids were not isolated, discontinuous events. There had been a longstanding attempt by government institutions to create new holdings in Lewis. The CDB, and the BoAS up to 1921, had been singularly unsuccessful in this regard. The demand for land in the Leverhulme period must be placed in this context. Similarly attempts to put the period into a general framework of confrontation between crofter and proprietor must be questioned. The divisions in the crofting

community and the difficulties in attempting to evaluate Leverhulme's position invalidates this approach. Indeed, it could be argued that Leverhulme was an easier proprietor to deal with than Matheson had been. He was far from reticent in stating his position. Matheson had tended to hide behind a screen of legal technicalities.

Despite the attention on the Leverhulme period, the most noticeable point about it has been ignored. This is the fact that, despite the opposition of the proprietor, practically all the available farmland in Lewis was utilised for land settlement. In the period 1919 to 1925, 237 new holdings were created on 11 farms at a total cost of £71,809.⁴⁹ This clearly demonstrates the superiority of the Land Settlement (Scotland) Act over all other preceding legislation.

II

In contrast to the difficulties which the Board encountered in Lewis the operation of the 1919 Act in Skye was much more straightforward. Skye had been the scene of major land settlement in the first decade of the century. The events at Kilmuir and Glendale have been discussed in depth above. Nevertheless, there was still considerable outstanding demand for land. The principal area of activity for the Board in the post war period was in the west and south of the island. Employing the provisions of Part I of the 1919 Act, the Board acquired 60,000 acres from MacLeod of MacLeod. The family were in dire financial straits, and the £56,809 which they received for it in 1920 were much needed. The Board, in attempting to convince the Treasury that the expenditure was useful, referred to the intensity of demand in Skye and the likelihood of trouble if nothing was done. The estate contained 80 small holdings in need of enlargement. The entire 60,000 acres allowed the Board to create 142 new holdings and enlarge a further 75, at a total cost of £140,136.⁵⁰ The references to raiding can partly be explained as BoAS tactic to persuade the Treasury of the immediate need for expenditure. Nevertheless, there was some substance to the claim. Over the period 1919 to 1922, there had been seven raids in Skye, including three on the land which the Board purchased from MacLeod of MacLeod.⁵¹ In addition the Board received nine statements of intent to raid, three of which emanated from the former MacLeod Estate.⁵²

The problem for the Board was how to evaluate the seriousness of these threats. As can be seen, some of them did turn into actual raids, so care had to be taken. Most of the threats seemed to come in the winter months and may have been stimulated by boredom as much as grievance. Indeed, in this period the Board were inundated with

threats of raids, from all over the crofting counties, a large number of which, could be, and were, safely ignored. In Skye and the Outer Hebrides, however, a longstanding tradition of raiding meant that threats from these areas merited cautious treatment.

One of the reasons for the persistence of the disturbed atmosphere in Skye after the purchase of this land was that the Board could not proceed immediately to break it up. Leneman is correct to use the word "piecemeal" to describe the way the BoAS dealt with this estate. This was forced on them by the fact that the tenant farms on the estate only became available to the Board as the leases expired.⁵³

The farms of Drynoch and North Talisker came into the hands of the Board in 1923. The latter was used to settle migrants from Lewis and Harris. This was the first large scale migration scheme since the idea became part of government policy in 1897. Difficulties with migration had plagued every government institution since then. Even in this post war period, when the demand for land was so high, the Board noted that many applicants would only accept land in a particular area.⁵⁴ A migration scheme had wider significance than the mere movement of people from one place to another. It represented an honest attempt to see land settlement as a total policy rather than an ad hoc method of settling various local difficulties. Several strands existed in the Board's thinking in this regard. There was a desire to deal with the congestion in Lewis and Harris. The land available for land settlement in these islands was insufficient to deal with the local demand. This fact, added to the complications raised by Leverhulme, led to unrest. The potential contribution of a migration scheme in quelling such unrest was emphasised by the Board in their various submissions to the Treasury on the matter. The argument was successful, as the Treasury granted £30,000 for the scheme. A package of special concessions with regard to equipping and stocking the holdings went with the money. One of these is of particular note. In normal circumstances, the Board were not allowed to provide assistance of more than 75% of the value of stock. In the special circumstances of the migration scheme the Treasury consented to this figure being raised to 85%.⁵⁵

The North Talisker settlement was eventually composed of 68 holdings. 63 of the holdings were tenanted by migrants from Lewis and Harris and the total population approached 400. The settlers were able to pursue a number of different methods of

earning money. Some went to the east coast to fish and others were involved in the tweed industry. There was a club stock, with 1600 sheep, on the grazing land of the farm. Arable cultivation took some time to gather momentum. On the whole the variety of activity gives the impression of a thriving settlement. A BoAS official noted in late 1924;

Looking to the settlement as a whole its present position is as good as that of most island communities, while the possibility of the holders improving the position are distinctly greater than were open to them in Lewis and Harris.⁵⁶

The settlers were certainly better off, all else being equal, as tenants of the BoAS than of a private landlord. Individual proprietors varied enormously. Many regarded the running of their estates as a serious business, and gave much thought to the best means of doing so. Others did not. However, with a government institution as landlord there was an element of stability which was lacking even with the best of private landlords. Further, the support facilities offered under the BoAS were second to none. As well as the various forms of monetary and practical assistance which were available, Board tenants had access to agricultural education facilities and expert advice on matters of cultivation and husbandry. Private landlords rarely provided equipment in the crofting counties, the crucial difference ^{in the lowlands} was that they would charge a market rent based on the value of their contribution. BoAS allowed the SLC to set a fair rent for all new holdings created under their auspices. Drawing on the recollections of a number of the settlers a recent author has presented a picture of this as a successful and thriving community.⁵⁷ Like Glendale, the most successful of the CDB settlements, Talisker with its club stock had scope for income other than the bare holdings of the settlers. The involvement of the settlers in the Tweed industry added another dimension to the settlement.

There were a number of other schemes in Skye in this period. The 1911 Act was employed to create 21 new holdings at Drinan and Glasnakille, near Elgol on the Strathaird estate. Using the provisions of part II of the 1919 Act 22 new holdings and 66 enlargements were formed on the Waternish Estate. The 16,000 acre grazing farm of Scorrybreck, North of Portree, was acquired under Part I of the 1919 Act. The farm of Claigan, adjacent to Dunvegan, was also broken up under Part II, although in the face of proprietorial opposition from MacLeod of MacLeod, to create 15 new holdings. The principal points of interest concerning these schemes are twofold. In

terms of policy it proved easier to carry out schemes under Part I of the 1919 Act, *ie* purchasing the land outright prior to settlement. After all, Part II of the 1919 Act was a more efficient version of the unpopular 1911 Act. Secondly, it is interesting to note that the BoAS deliberately used the fact that farms had been raided and others were under threat, as a tactic to persuade the Treasury to sanction expenditure. In the period 1919 to 1925, the Board's efforts in Skye resulted in the creation of 218 new holdings and 143 enlargements of existing holdings.⁵⁸

Skye was one of the most fruitful areas of operation for the Board in this period. So much so that the BoAS Director of Land Settlement admitted to a Skye farmer;

we have so much land being subdivided in Skye at the moment that the immediate pressure is relieved to a great extent.⁵⁹

This success was based on a fortuitous state of decay among the proprietors of Skye. MacLeod of MacLeod was practically insolvent and was only too happy to divest himself of 60,000 acres and receive £56,000 for them. The MacDonald estates were under Trusteeship, due to the mental incapacity of Lord MacDonald. The Trustees were keen to realise as many assets as possible. Hence, they responded favourably to the Board's enquiries concerning the farm of Scorrybreck, described by one government official "as one of the best sheep farms in Scotland".⁶⁰ The conditions for taking over farms under Part I of the Act were propitious. Part II schemes remained a source of contention. This is entirely consistent with the proprietorial reaction to land settlement since the 1880s. Landlords, when faced with a proposal to break up a farm, would rather have it taken off their hands altogether, than become involved in the business of creating and administering small holdings

III

It has been noted that the Board used the existence and threat of raids in Skye to their advantage in some cases. It should be noted that this was not always possible. Two cases in particular stand out, Strathaird in Skye, and Raasay. These cases are important in themselves as examples of land raids. However, their real importance lies in the impact they had on the government's response to raids. The perennial government dilemma was that granting the requests of raiders would only encourage other raids, while not doing so would only intensify the original grievances.

Raasay had come to the attention of the Board before the war. However, little could be done because of the inadequacies of the 1911 Act. It was owned by William Baird and Co. Ironfounders, based in Coatbridge. They were interested in Raasay only for the exploitation of its iron ore deposits. They were not keen to have small holdings established. With the improved facilities of the 1919 legislation the idea of a scheme for the island was revived. By 1920 Baird's industrial operations in Raasay were at a standstill. The BoAS had begun negotiations for a scheme of migration for men from Raasay and the neighbouring Island of Rona, and consequent enlargement of the remaining Raasay crofts. These negotiations were interrupted when cottars from Rona took possession of lands at the south eastern end of Raasay. The usual process of the serving and breaching of interdicts led to the raiders incarceration in late 1921. The Secretary for Scotland, Robert Munro, responded to this situation with uncharacteristic firmness, declaring that, henceforth, raiding would operate as a bar to land settlement.⁶¹ The Board of Agriculture took a different view to that of the Scottish Office. They were much more sympathetic to the plight of the raiders. Thomas Wilson, who had visited them in prison, was at the forefront of this view. There was no doubt that the conditions on Rona were dreadful. The problem was that only one of the raiders possessed the ex-service qualification, so they could not be given priority consideration, if the letter of the law was followed.

While the Scottish Office was declaring against land raids the Board were approaching the Treasury with a proposition to purchase Raasay. They were more aware of the realities of the situation. The only possible method of preventing the raiders from reoccupying the land was to "project a scheme at once". The Treasury were horrified at the potential expense of purchasing Raasay and settling penniless cottars on new holdings. They were eventually persuaded to allow the Board to go to £20,000 in an effort to purchase. The island was secured in March 1922, for £18,000. Tentative BoAS predictions indicated that a further £14-15,000 would be required to take over the sheep stock and equip the new holdings. The initial settlement of the island was hampered by an outbreak of typhus and only 7 applicants were settled in 1922. More progress was made the following year with over 30 applicants settled.⁶²

There are a number of issues worthy of exploration. Clearly, there was a good deal of sympathy for the conditions which the raiders had to tolerate on Rona. The Lord Advocate described them as "dreadful". However, at the executive level in the Board, and in Dover House, this sympathy was tempered by awareness of the wider context. Dreadful congestion existed in other parts of the Highlands, and raids had occurred elsewhere. They could find no politically defensible argument for priority

treatment for Raasay. Indeed, in 1920, when prioritising various land settlement schemes, the Board did not highlight Raasay. There was also a shortage of money for land settlement in 1920, another reason for not taking action.⁶³ The BoAS Sub Commissioner's, who were in contact with the raiders, persuaded the Board that the only way of dealing with the difficulty was to purchase the island. They, of course, did not have any high political considerations. Their brief was to ascertain the most effective way of dealing with given situations as they found them. There was also the usual worry about whether giving in to raiders would encourage raids in other places. This had been a worry since the 1880s. Many felt that the continuation of raiding throughout the period since the 1886 Act was caused by an initial failure to deal with it firmly. However, the issue was not as simple as this. There was a general expectation of land settlement in the Hebrides. It was the Board's failure to satisfy this demand, an almost impossible task, which perpetuated raiding. Raiders had never shown any signs of being discouraged by a firm hand. Indeed, it tended to inflame already heated situations. The Board had little choice, as the CDB had discovered, but to deal sensibly with the demands of the raiders.

A similar situation had arisen at Balranald in North Uist. here two separate raids had occurred by 1921 and extreme difficulty was encountered in removing the raiders. The Board proposed the establishment of 16 new holdings and 32 enlargements. Once the raiders were removed, the BoAS faced the dilemma of going ahead with the scheme and including those who had broken the law. The Board tended to view the raids as a symptom of frustrated land hunger, rather than a challenge to their authority. They realised that the only prospect of peace was to proceed with the land settlement scheme. The estate was acquired at Whitsunday 1922 and a revised scheme for 22 new holdings and 30 enlargements was implemented.⁶⁴

In the Raasay case the ex-service priority was an obstacle to land settlement. This was a general problem faced by the Board. In some areas it was impossible to find sufficient ex servicemen to proceed with a scheme. The virtual exclusion of civilians prejudiced the possibility of schemes for both categories. Clearly the men from Rona were needy applicants, regardless of their wartime activities. However, the government had realised that there was political mileage in generous treatment for war veterans. The problem was that in the Highlands land settlement was not a post war innovation. The Treasury, under pressure from BoAS recognised this fact; they commented in 1922;

Men have been waiting for holdings for some time, and their demands have been actively renewed since the war. In the peculiar circumstances of the crofting districts, the preference given by the 1919 Act cannot be absolute.⁶⁵

IV

Despite the considerable amount of land settlement activity which had occurred on the Gordon Cathcart estates prior to 1919, there were a number of farms still available for settlement. Askernish, made available for small holdings in 1919, proved a source of continuing difficulty, as has been discussed in Chapter Seven. Activity in the post 1919 period concentrated on the farms of Drimore and Drimsdale, in South Uist, and Nunton, in Benbecula.

The Board had made enquiries about Drimore before the war but decided to drop the scheme in 1915.⁶⁶ However, 1919 saw renewed applications for this farm. The estate ~~was~~ still opposed to land settlement. They argued that the farm was an intrinsic part of a cluster of three farms, which were worked as a group, and which constituted the home farm of the estate. Ultimately, the farm was raided in November 1919.⁶⁷ The tenacity of these raiders in holding onto the land, and a second raid in December 1920, induced the estate to enter into negotiations with the Board. The raiders were still in possession in March of the following year, making the proper working of the farm impossible and producing more entreaties from Skene, Edwards and Garson to the Board to constitute small holdings! The fact that the tenant of the farm was prepared to offer the Board concessions on his departure from the farm encouraged consideration of a scheme. A scheme for the constitution of 11 new holdings and 46 enlargements was prepared and sanctioned by the Treasury.⁶⁸

The pattern of events in South Uist and Benbecula mirrored very closely those of earlier periods. The estate initially stated strongly its opposition to land settlement, but seemed to cave in when raids occurred. This pattern was repeated in the case of Nunton farm in Benbecula.⁶⁹

This pattern of vacillation in the face of pressure had its origins in the growing disillusionment on the part of the elderly Lady Gordon Cathcart with her Long Island Estates. By August 1921, her Solicitors informed the Board that it was their view that "the day for private ownership in these parts is passed". They advised the proprietor that due to the "never ending" trouble of the estate it would be in her interests to dispose of it. Contacts were made with the Board in an attempt to arrange a sale. Surviving evidence is not categoric as to why nothing came of these contacts.⁷⁰ However, having regard to the prevailing political conditions it would seem likely that the Board would find it difficult to gain Treasury sanction for the heavy expenditure such a purchase would involve. Further, the Board would not have much to gain from such a transaction. By the early 1920s most of the farms on the estate had already been broken up. By acquiring the land the Board would only be increasing its management expenses at a time when they were under pressure to economise.

By the mid 1920s, the Board found that the land settlement activity in the ~~Long~~ **Long** Island had been such that all the available land for small holdings had been exhausted. This is not to argue that all the demand for land had been satisfied. This was the area with the longest history of government sponsored land settlement. The proprietor of North Uist had been the first to approach the CDB with land. Considerable activity had taken place on the islands of Benbecula and South Uist. The small islands of Barra and Vatersay were almost entirely in the hands of crofters by this time. The Board warned that in future applicants from that region would have to consider migration or emigration if their demand for land was to be fulfilled.⁷¹

Developments in Sutherland and Caithness are also worthy of examination. In the case of the former, there was a considerable continuity with the years before 1919. In that period there had been no shortage of land, but it was found that the agricultural conditions of the county, with its heavy reliance on sheep farming, militated against successful land settlement. The most notable example of this continuing trend concerned the farm of Eriboll, in the north west of the county. It had been purchased in 1919, for £12,000. By the time the BoAS obtained entry in 1921, they found that the price of the stock had risen by 45 per cent compared to 1919 estimates. Applicants were not forthcoming for the 16 small holdings which it was proposed to form on the land. The reason being lack of capital among the applicants. Unlike Skye, the Treasury were not prepared to relax the stipulation that new holders should pay 25 per cent of the price of their stock. In the absence of local applications, the

Board briefly considered migrating 39 Lewismen to Eriboll. This was abandoned on the grounds of expense. The loss on the sheep stock and the cost of managing the estate, led the Treasury to describe Eriboll as "an expensive incubus". In September 1926 the BoAS accepted £10,000 for Eriboll. £2000 less than they had paid for it, 7 years earlier.⁷²

The problem behind this failure was the fluctuations in stock prices in the immediate post war era. Sheep, in particular had risen in value. This created a number of problems. Not only were new holders burdened with high annuities for their stock, a problem which was accentuated when prices began to decline in the mid 1920s. There was also the problem of compensating the outgoing sheep farmers at high values. The problem was exacerbated when sheep prices plummeted in late 1921. Holders burdened with high annuities were now faced with drastic reduction in their income. It also created a problem for the BoAS in cases where they had taken over sheep at the height of the market, and were forced to pass them on to holders after the drop in prices. The Treasury were disturbed at the prospect of being asked to bear the loss. The Board made much of the fact that the drop in prices was unexpected. The Treasury, however, had been aware of its likelihood as far back as 1919, and had warned the Board in 1920.⁷³

In Caithness, the major issue to emerge was the the size and economic viability of the holdings. The subjects acquired for land settlement in Caithness tended to have a larger proportion of arable land than elsewhere in the Highlands. For example, the holdings proposed to be formed on the farm of Upper Dounreay, were almost half arable and half pastoral. The farm of Watten was composed of 640 acres of arable land and 2,800 acres of pastoral. At Ormlie 306 of the 410 acres on the farm were arable.⁷⁴ The distance of Caithness from central markets, transport difficulties and the lack of employment opportunities meant that a larger size of holdings was defensible. In the case of Watten, the Treasury asked for the size of holdings to be reduced and more men settled. The Treasury view of efficiency was to settle the maximum number of men. After all, the KLTR, Sir Kenneth MacKenzie, had informed them that ex service land settlement was never likely to be "economic" and that "the object is to try and get the ex soldier settled at as small as cost as possible".⁷⁵ The size of the holdings was a problem in attracting applicants. Equipment costs were high, particularly for buildings. Many applicants were short of capital and reluctant to take on heavy burdens. For those who did the problems were

exacerbated by the sharp fall in agricultural produce in 1922. The continuing concern of the Board was reflected in 1923 by a decision to allow holders settled before 1922, in Lowland and Highland arable areas, to apply to the SLC to have their buildings revalued in the light of current prices.⁷⁶

This debate was echoed in a scheme for Borlum farm, on the Lovat Estates in Inverness-shire. It was 56 per cent arable and the BoAS proposed forming four large holdings of between 65 and 98 acres. The Treasury once again complained of the expense of creating small numbers of large holdings. BoAS argued that special consideration should be given to the Highlands because of the poor quality of much of the arable land. Although the holdings were large, the rents were relatively low, between £18 and £27.⁷⁷ Perhaps the key to the attempts at land settlement in Caithness, and at Borlum, was that there was not the same political imperative for maximum settlement in order to prevent raids. There was more scope to indulge in "ideal" land settlement. Large holdings, likely to sustain a family without recourse to ancillary employment, could be contemplated.

V

The ~~quantitative~~ contribution of the 1919 Act to the ongoing policy of land settlement is presented in the following tables. The first shows the area of land, both arable and pasture, used for new holdings and the number of new holdings (NHs) and enlargements (Es) created. Further the level of land settlement (NHs + Es) is presented as a percentage of the real demand (RD) for land. The real demand is the total demand minus the applications rejected by the Board or withdrawn by the applicants. The first line of figures for each county refers to the holdings created on privately owned land, (P), the second to estates acquired by the BoAS, (E).

County	NHs	Es	RD	% RD Settled	
ARGYLL	226	103	1370	29.8	P
	52	27			E
CAITHNESS	26	5	826	15.4	P
	84	13			E
INVERNESS	275	288	3942	30.5	P
	467	172			E
ROSS	312	369	2111	34.1	P
	40	--			E
SUTHERLAND	62	109	1351	22.6	P
	27	108			E
	901	874			P
	670	320			E
TOTAL	1571	894	9600	26.1	

TABLE 8:2, Land Settlement in the Crofting Counties, 1912 to 1925.⁷⁸

The contribution of the 1919 Act to land settlement can be seen. The percentage of demand settled by 1925 was a vast improvement to the figures for the pre 1919 period. An overall settlement rate of 26.1 per cent compared to 10.6 per cent in the earlier period. (see table 7:1 for land settlement prior to 1919). The level of consensus on policy in this period was important in this success. The significant amount of settlement undertaken on privately owned land, especially in Sutherland, can be seen. Only limited conclusions can be drawn from such statistics. They provide no clue to the qualitative elements of the policy.

The next comparative table refers to land settlement in the Hebrides. This is the heartland of the crofting community and it is noticeable that the demand was higher, and the rate of settlement higher, than in the rest of Scotland.

Island	NHs	Es	RD	% RD Settled.	
SKYE	59	51			P
	278	114	1304	38.5	E
HARRIS	32	27			P
	--	--	337	14.8	E
N.UIST	4	31			P
	87	55	447	39.6	E
S.UIST	140	87			P
	--	--	546	41.6	E
BARRA	3	33			P
	67	--	392	26.3	E
LEWIS	262	278			P
	--	--	1344	40.3	E
	500	507			P
	432	169	4340	31.8	E
TOTAL	932	676	4070	39.5	

TABLE 8:3, *Hebridean Land Settlement, 1912 to 1925.*⁷⁹

The Hebrides show a consistently higher level of settlement than in the Highlands generally or Scotland as a whole. These areas were the scene of the most vociferous demand for land. In Skye, Lewis and the Southern Hebrides, land settlement was taken to its maximum level by 1925. It is interesting to note that this was only sufficient to settle around 40 per cent of the real demand for land. The lower figures for Harris and Barra are worthy of note. In the former island the support of the population for Lord Leverhulme's schemes in this period minimised land settlement activity. In Barra, there had been considerable land settlement in previous periods and only a small amount of land was still available in the 1920s.

This period is the first with which this thesis has been concerned which saw real success in the implementation of a government's Highland policy. This success has been given due consideration by historians. One has argued that, by the 1920s

... the agrarian and social injustices perpetrated by the creators
of the land system that had taken shape during the clearances
had been permanently removed - from the crofting community's
hebridean heartland at any rate.

More recent work by the same historian, though, has noted that the success of land settlement in the 1920s did not protect the crofting community from economic depression in the 1930s.⁸⁰ There can be no doubt that significant progress was made. As has been noted here, land settlement was taken to its maximum level in the "heartland" of the crofting community. Practically all the available land in Skye, the Uists, Barra, Tiree, and most notably, in Lewis, was utilised.⁸¹ Prior to 1919 no progress had been possible in the latter island. Even after 1919 the Board of Agriculture had to overcome considerable difficulties.

The quantitative "success" of land settlement in this period was not achieved without some difficulty. The Board faced difficulties from two quarters. The demands of the crofting community for more land were vociferous. They were articulated most prominently through the tactic of the land raid. Raids in this period were numerous, but largely confined to the Hebrides. Their impact was singular. The Board noted in 1914 that the demands of the crofters were limited. This was consistent with the pattern of agitation since the 1880s.⁸² The political imperative for maximum satisfaction of existing demand served only to distort the pattern of land settlement. Smaller holdings than the Board considered ideal had to be created. This perpetuation of uneconomic holdings did nothing to prevent, or blunt the impact of, economic depression in the 1930s. This was particularly the case in Lewis. As has been noted, in Tiree proprietorial influence helped to ensure the creation of larger holdings. The Board noted in December 1924 that the creation of economic holdings was confined to the east of the crofting area. This was with the exception of Skye where the vast acreage available for land settlement was critical.⁸³

The second problem faced by the Board was the attitude of the Treasury to land settlement. Prior to 1919, Scottish land settlement was financed by Parliamentary vote. The Land Settlement (Scotland) Act empowered the Board to borrow from the national exchequer. This necessitated the involvement of the Treasury to sanction expenditure. They often voiced disquiet over expenditure on land settlement and the results of that policy. The Board had sufficient political awareness to emphasise the volatile situation in the Highlands. Generally, they reflected on the importance of land settlement as a social policy which could not be judged on by economic results alone. By judicious use of such arguments the Board did fairly well in the ongoing debate with the Treasury over expenditure.⁸⁴

Post-war land settlement in the Highlands should not be seen as discontinuous. Recent work, although technically competent, fails to put it in the context of the ongoing policy debate since the 1880s.⁸⁵ Rhetorically, it was part of the post war reconstruction policy. In reality, it was the culmination of various attempts to deal with the Highland land issue since 1886. For this reason, the preference given to ex service-men was not so relevant in the Highlands as elsewhere. Although those demanding land adapted their rhetoric to suit prevailing political conditions the real basis of their demand went much deeper. The Board were in no doubt that the ex-service qualification caused as many problems as it solved.⁸⁶ Land raids, such as occurred in this period were not a new phenomenon, as the content of this thesis makes clear. In this period as in others the raids were localised, specific and limited in their demands. They should be seen in the context of preceding raids and not the contemporaneous unrest among ex servicemen which troubled the government in this period.⁸⁷

Thus, although the policy of the governments of the post 1919 period was the most productive of any since 1886, it was not perfect. Qualitative considerations, such as the size of the holdings created should be borne in mind when measuring this success. Further, the myriad obstacles raised, by the Treasury and the crofters leads to the placing of question marks against the durability of this policy in periods of economic stress.

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2. L. Leneman, *Fit For Heroes? Land Settlement in Scotland after World War One*, (Aberdeen, 1989), 20; *Report of the Committee on Land Settlement in Scotland*, PP, 1928, XI, 10-11. Anonymous, "Land Settlement for Soldiers and Sailors", *Scottish Journal of Agriculture*, 1, (1918).
3. PRO, CAB 27/104/96, Appendix to Minutes of the 5th Meeting of the Land Settlement Committee; CAB 27/104/142 & 147, Evidence given before the Land Settlement Committee, 28th October 1920; Anonymous, "Small Holdings in Scotland", *International Labour Office, Geneva, Studies and Reports*, Series K, No 3, (November 1920).
4. BoAS, *Annual Reports*, 1920, xiii; 1921, 15; 1923, 13; 1924, 12; 1925, 10.
5. PRO, CAB 27/105/250-251, Supplementary Notes on the Memorandum by the Secretary for Scotland, 8th October 1920; BoAS *Annual Report*, 1922, 9; Anonymous, "Land Settlement in Scotland I", *SJA*, 14, (1932), 245.
6. PRO, CAB 23/22/5-9, Cabinet Conclusion, 15th July 1920; CAB 23/22/111 & 117, Cabinet Conclusion, 13th August 1920.
7. PRO, CAB 27/105/368-71, Land Settlement in Scotland: Memorandum by the Chairman of the Land Settlement Committee (L. Worthington Evans), 28th October 1920; CAB 27/105/372-374, Note by Lord Clinton on the Chairman's Memorandum, 1st November 1920; CAB 27/105/379-383, Land Settlement in Scotland: Memorandum by Lord Forteviot, 6th November 1920; CAB 27/105/384-388, Land Settlement in Scotland: Memorandum by Lord Clinton, 6th November 1920; CAB 27/105/389-394, Land Settlement in Scotland: Memorandum by Major Murray.
8. PRO, CAB 27/105/400-403, Land Settlement in Scotland: Memorandum by the Secretary for Scotland, 10th November 1920.
9. PRO, CAB 27/104/156-163, Conclusions of a Meeting of the Cabinet Land Settlement Committee, 2nd November 1920; SRO, Exchequer, KLTR Files, E 824/869, Kenneth MacKenzie (KLTR) to Cabinet Land Settlement Committee, 3rd September 1920. Although the Highland County Councils had limited powers under the Allotments and Small Holdings Acts of 1892, no progress was made under these statutes.
10. SRO, Department of Agriculture and Fisheries, Allotments and Small Holdings Files, AF 66/27, Cabinet Land Settlement Committee: Final Report on the Land

Settlement of Ex Service Men in Scotland; Reservations by the Secretary for Scotland (page 13).

11. PRO, CAB 23/24/19-21, Conclusion of a Conference of Ministers, 4th January 1921.

12. Anonymous, "Small Holdings in France: acquisition by military pensioners and victims of the war", *Scottish Journal of Agriculture*, 1, (1918), 489-90; Anonymous, "Agricultural Reconstruction in France", *Scottish Journal of Agriculture*, 2, (1919), 549-551; Anonymous, "Soldier Settlement in Italy", *Scottish Journal of Agriculture*, 3, (1920), 84-6; C.Bathurst, "The Land Settlement of Ex-Service Men", *Nineteenth Century and After*, 78, (1915), 1097-1110; H.Bernhard, "Land Settlement in Switzerland", *Scottish Journal of Agriculture*, 2, (1919), 546-8.

13. H.F. Campbell, *Highland Reconstruction*, (London, 1920).

14. PRO, CAB 27/104/134, Appendix to 6th Minutes of the Land Settlement Committee, 14th October 1920; SRO, Department of Agriculture and Fisheries, Estate Management Files, AF 83/54/1, Land Settlement, Departmental Committee - Memo of meeting, 6th March 1922; Exchequer, KLTR Files, E 824/469, Memo by G.C. Upcott, Treasury, on Land Settlement Policy, 15th July 1920.

15. SRO, Allotments and Small Holdings Files, AF 66/41, Land Settlement in Scotland, Memo by the Under Secretary for Scotland, 13th March 1922; AF 66/54, Memo on Land Settlement in Scotland, 12th February 1924; Exchequer, KLTR Files, E 824/869, KLTR to Treasury, 3rd September 1920.

16. *Second Interim Report of the Committee on National Expenditure*, PP 1922 IX, 43-4; SRO, SLFP, GD 325/1/369, Memo on Geddes Committee's Report: Ministry of Agriculture and Fisheries and BoAS; A .McDonald, "The Geddes Committee and the Formulation of Public Expenditure Policy, 1921-1922", *The Historical Journal*, 32, (1989), 643-674; K.O. Morgan, *Consensus and Disunity: The Lloyd George Coalition Government, 1918 to 1922*, (Oxford, 1979) 287-96.

17. Leneman, *Fit for Heroes?*, 20.

18. *Report of the Departmental Committee on Land Settlement for Soldiers and Sailors*. PP 1916 XII.

19. See Chapter 7, Part II.

20. SRO, Crofting Files, AF 67/390, Memo by R.P. Wright, 15th May 1917; Estate Management Files, BoAS to the Under Secretary for Scotland, 30th July 1917.

21. SRO, Estate Management Files, AF 83/73, R.P. Wright to Thomas Wilson, 21st August 1918.

22. SRO, Crofting Files, AF 67/248, Hume, MacGregor & Co to BoAS, 8th & 9th October 1919, Leverhulme to Robert Munro, 21st September & 7th November 1918. AF 67/251, same to same, 24th July 1919.

23. SRO, Estate Management Files, AF 83/363, Memo on Land Settlement in Lewis, 5th March 1919.

24. SRO, Estate Management Files, AF 83/363, Thomas Wilson to BoAS, 1st May 1919; AF 83/73, R.P. Wright to Thomas Wilson, 21st August 1918.

25. SRO, Estate Management Files, AF 83/363, Colin MacDonald (BoAS, Sub Commissioner) to BoAS, 16th March 1919; Crofting Files, AF 67/251, R.Graham (BoAS Sub Commissioner, Stornoway) to BoAS, 27th April 1919; T.Wilson to BoAS, 1st May 1919; AF 67/324, Police Reports, Stornoway & Back, 8th April 1919.

26. SRO, Crofting Files, AF 67/325, BoAS to the Scottish Office, 15th March 1920; *BoAS Annual Report, 1920*, xv.

27. SRO, Crofting Files, AF 67/252, Graham to BoAS, 19th January 1920.

28. N. Nicolson, *Lord of the Isles: Lord Leverhulme in the Hebrides*, (London, 1960), 152; Leneman, *Fit for Heroes*, 120;

SRO, Crofting Files, AF 67/251, Leverhulme to John Morrison (Merchant, Obbe, Harris), 18th August 1919; Leverhulme to Robert Munro, 18th August 1918.

29. SRO, Crofting Files, AF 67/254, Report by the Lord Advocate to the Secretary for Scotland: Lewis, 12th October 1920; Donald Campbell & Murdo Graham (Gress Raiders) to T.B. Morrison (Lord Advocate); Munro to Leverhulme, 20th October 1920; same to same 23rd October 1920.

30. SRO, Crofting Files, AF 67/254, BoAS to the Secretary for Scotland, 22nd October 1922.

31. SRO, Crofting Files, AF 67/254, Leverhulme to Munro, 1st November 1920. PRO, CAB 24/117/265-8, Land Settlement in Lewis: Memorandum by the Secretary for Scotland, 27th December 1920.

32. SRO, Estate Management Files, AF 83/718, Memo re Agreement between BoAS and Lord Leverhulme, 1st February 1921; A.Rose (BoAS, Director of Land Settlement) to J.Lamb (Under Secretary for Scotland), 17th February 1921; D.Shaw to BoAS, 2nd March 1921, (Shaw was an Edinburgh Solicitor who represented the Coll and Gress

raiders. He seemed to specialise in cases of this type, he had acted for the Vatersay raiders in 1909 and would represent the Raasay and Strathaird raiders of 1922 and 1923); Minute for BoAS concerning Lewis farms, 13th July 1921.

33. SRO, Crofting Files, AF 67/333, Murdo Graham & Angus Graham, Coll to Munro, 14th April 1921; Munro to Murdo and Angus Graham, 25th April 1921; *BoAS Annual Report, 1920*, xix.

34. SRO, Crofting Files, AF 67/331, Leverhulme to Munro, 8th July 1921; Munro to Leverhulme, 3rd September 1921; same to same, 17th October 1921; PRO, CAB 24/117/268, Land Settlement in Lewis: Memorandum by the Secretary for Scotland, 27th December 1920; Nicolson, *Lord of the Isles*, 181.

35. SRO, Estate Management Files, AF 83/760, BoAS: Report on the proposed scheme of small holdings at Gress, Lewis, 17th November 1921; Report on Coll, 17th November 1921; Report on Orinsay, 17th November 1921; BoAS to Treasury, 19th November 1911; Treasury to BoAS, 25th November 1921.

36. SRO, Crofting Files, AF 67/331, BoAS to the Scottish Office; Estate Management Files, AF 83/760, Neil MacLean (BoAS Sub Commissioner) to BoAS, 13th February 1922.

37. SRO, Estate Management Files, AF 83/767, BoAS to the Under Secretary for Scotland, 1st December 1922; Scottish Office Memo, 2nd December 1922; BoAS to the Scottish Office, 20th January 1923; Scottish Office Memo, 7th February 1923; Report by Colin MacDonald (BoAS Sub Commissioner) on Galson, 14th March 1923.

38. SRO, Exchequer, KLTR Files, E 824/572, BoAS to the Treasury, 10th February 1923; K<R to Treasury, 14th February 1923; Treasury to BoAS, 20th February 1923.

39. Nicolson, *Lord of the Isles; Hunter, Crofting Community*, 277, (footnote, 116); Leneman, *Fit for Heroes?*, 118-125. Nigel Nicolson's major study of the Leverhulme years in Lewis and Harris has the merit of access to Leverhulme's business archive, in addition to the Scottish Office material utilised here. However, James Hunter has described Nicolson's as "a distinctly pro Leverhulme" account. Leah Leneman gives an account of events and briefly discusses the potency of the memory of the Leverhulme years without providing any sustained analysis.

40. Nicolson, *Lord of the Isles*, 178-9; SRO, Crofting Files, AF 67/248, Leverhulme to Munro, 7th November 1918; AF 67/331, same to same, 9th May 1921.

41. SRO, Crofting Files, AF 67/252, Memo by Robert Wright for the Secretary for Scotland, 15th March 1920;

Nicolson, *Lord of the Isles*, 130-2.

42. SRO, Crofting Files, AF 67/256, Leverhulme to Munro, 9th March 1920; AF 67/331, same to same, 18th May 1921.

43. PRO, CAB 24/117/273, A. Munro (Town Clerk, Stornoway) to Munro, 27th November 1920.

44. SRO, Estate Management Files, AF 83/363, Colin MacDonald to BoAS, 16th March 1919; Crofting Files, AF 67/251, Memo by Thomas Wilson, 23rd September 1919; AF 67/252, Memo on the Lewis Land Problem and Lord Leverhulme's Project, March 1920; Memo by Thomas Wilson, 12th March 1920; AF 67/254, Lord Advocate's Report on Lewis, 12th October 1920; Examples of the kind of meeting which took place in Lewis, and the resolutions which were passed by them can be found in the press, see; *The Scotsman*, 20th, October, 1919 & 24th May 1920.

45. Hunter, *Crofting Community*, 197-8; Leneman, *Fit for Heroes*, 119; MacDonald, *Lewis*, 179-80; Nicolson, *Lord of the Isles*, 139.

46. Nicolson, *Lord of the Isles*, 140-2.

47. SRO, Crofting Files, AF 67/256, Leverhulme to Munro, 9th March 1920; AF 67/331, same to same, 18th May 1921; AF 67/328, Report by Thomas Wilson on Coll and Gress, 4th May 1921; Nicolson, *Lord of the Isles*, 178.

48. SRO, Estate Management Files, AF 83/363, Memo on Land Settlement in Lewis, 5th March 1919; AF 67/391, BoAS to the Under Secretary for Scotland, 21st April 1923.

49. SRO, Estate Management Files, AF 83/760, BoAS to the Treasury, 19th November 1921; AF 83/718, Minute to BoAS concerning Lewis farms, 13th July 1921; Exchequer, KLTR Files, E 824/572, BoAS to the Treasury, 10th February 1923;

E 824/606, same to same, 6th May 1925.

50. SRO, Exchequer, KLTR Files, E 824/615, BoAS to the Under Secretary for Scotland, 23rd March 1920, Treasury to BoAS, 27th March 1920.

51. SRO, Crofting Files, AF 67/171, Land Seizure in the Highlands and Islands, 1918-19-20; AF 67/148, Raid at Scorrybreck Farm 9th February 1920, (Lord MacDonald Estate); Police Report, Carbost, 19th February 1920, Raid at Gesto, (MacLeod of MacLeod Estate); AF 67/151, Raid at Kilbride farm, 1st December 1922 (Lord MacDonald Estate); AF 67/157, Raid at Kilbride, 16th March 1921.

52. SRO, Crofting Files, Threat of raid, Claigan Farm, 4th December 1919, (MacLeod Estate), AF 67/148, Threats of raids at, Gesto, (MacLeod Estate), 5th February 1920;

Waternish (Capt R. MacDonald's Estate), 6th February 1920; Claigan, 6th February 1920; AF 67/150, Threats of raids at, Ullinish, 6th September 1920; Kyleakin, 7th May 1920, (Both Lord MacDonald's Estate; AF 67/154, Threat of raid at Strathaird, 2nd November 1920; AF 67/156, Threat of raids at, Swordale, 4th March 1922; Kilbride, 7th March 1922, (Both Lord MacDonald's Estate).

53. Leneman, *Fit for Heroes?*, 137.

54. BoAS Annual Report, 1920, xiv; 1921, 16.

55. SRO, Exchequer, KLTR Files, E 824/659, BoAS to the Treasury, 7th March 1923; Treasury to Boas, 29th March 1923;

E 824/538, BoAS to the Treasury, 6th November 1923; Internal Treasury Memo, 27th November 1923; BoAS to the Treasury, 29th February 1924; Anonymous, "Land Settlement in Skye - Migration Scheme", *Scottish Journal of Agriculture*, 7, (1924).

56. SRO, Estate Management Files, AF 83/30, Report to BoAS on the present position of the North Talisker Settlement, by Colin MacDonald, Senior Sub Commissioner, December 1924.

57. BoAS, Annual Report, 1920, xvi: Leneman, *Fit for Heroes?*, 143-4.

58. SRO, Exchequer, KLTR Files, BoAS to the Under Secretary for Scotland, 23rd March 1920; E 824/647, BoAS to the Treasury, 17th January 1921; SRO, Crofting Files, Memo on the circumstances surrounding the present raid, 1923, (Strathaird); SRO, Estate Management Files, AF 83/667, BoAS to the Under Secretary for Scotland, 7th March 1925.

59. SRO, Estate Management Files, AF 83/663, H.A. Rose to J.T.Cameron, 23rd March 1921.

60. SRO, Exchequer, KLTR Files, E 824/647, KLTR to the Treasury, 27th January 1921.

61. SRO, Exchequer, KLTR Files, E 824/369, BoAS to the Treasury, 30th December 1921; Crofting Files, AF 67/149, Memo on Raasay, 19th March 1921; Police Reports, Portree, 2nd and 9th April 1921; BoAS Annual Report, 1922, 17.

62. SRO, Exchequer, KLTR Files, E 824/369, BoAS to Treasury, 30th December 1921; Internal Treasury Memo, 3rd January 1922; Treasury to BoAS, 22nd January 1922; BoAS to Treasury, 30th March 1922; BoAS Annual Report, 1922, 15.

63. SRO, Crofting Files, AF 67/149, Lord Advocate to Secretary for Scotland, 14th October 1921; BoAS to Scottish Office, 19th October 1921; Memo on Raasay, 19th

March 1921.

64. SRO, Exchequer, KLTR Files, E 824/524, BoAS to Under Secretary for Scotland, 11th March 1921; BoAS to Treasury 19th April 1921; same to same, 21st April 1921; same to same, 13th October 1922; SLF Papers, GD 325/1/249, Captain MacDonald (Proprietor of Balranald) to J.E. Jackson (SLPF), 5th May 1921; same to same, 9th July 1921; same to same, 18th July 1921; same to same, 10th August 1921.

65. BoAS, *Annual Report, 1921*, 16-17; SRO, Exchequer, KLTR Files, E 824/369, Treasury Memo, 3rd January 1922.

66. SRO, Estate Management Files, AF 83/206, SEG to BoAS, 27th March 1914; AF 83/207, BoAS to SEG, 19th March 1915.

67. SRO, Estate Management Files, AF 83/207, BoAS to SEG, 24th May 1919; SEG to BoAS, 26th May 1919; same to same, 9th August 1919; same to same, 6th November 1919.

68. SRO, Estate Management Files, AF 83/212, SEG to BoAS, 6th December 1919; same to same, 7th December 1920; same to same, 16th March 1921; Exchequer, KLTR Files, E 824/560, BoAS to Treasury, 7th September 1921.

69. SRO, Estate Management Files, AF 83/230, Memo, Farm of Nunton, Benbecula (undated); SEG to BoAS, 15th December 1922; BoAS to SEG, 18th July 1923.

70. SRO, Estate Management Files, AF 83/213, SEG to BoAS, 31st August 1921; SEG Papers, Deed Box A6, Lady Gordon Cathcart, No 6, Bundle 5, Correspondence between Lady Gordon Cathcart and Mr James Garson, with reference to the proposed sale of her Long Island Estates, March 1921.

71. BoAS *Annual Report, 1924*, 22-24.

72. SRO, Exchequer, KLTR Files, E 824/567, BoAS to the Treasury, 4th December 1925; Treasury Memo, 11th December 1925; KLTR to the Treasury, 16th December 1925; BoAS to the Treasury, 9th September 1926.

73. SRO, Exchequer, KLTR Files, E 824/298, BoAS to Treasury, 1st December 1919; Treasury Memo, 19th January 1920; KLTR to Treasury, 9th September 1920; E 824/480, BoAS Memo on Sheep Stocks, December 1921; Treasury to BoAS, 4th January 1922; KLTR to Treasury 2nd May 1922; Tabular Statement showing proposed prices of certain sheep stocks to be transferred to holders and estimated losses by the Board on acquisition of stocks, general ingoings and management of farms, December 1921.

74. SRO, Exchequer, KLTR Files, E 824/559, Treasury Memo, 8th July 1921; E 824/671, BoAS to Treasury, 28th November 1920; Estate Management Files, AF 83/652, BoAS to the

Under Secretary for Scotland, 23rd April 1920.

75. SRO, Exchequer, E 824/671, Treasury to BoAS, 11th December 1920; E 824/559, KLTR to Treasury, 14th July 1921.

76. SRO, Exchequer, KLTR Files, E 824/469, Treasury to BoAS, 21st December 1922; BoAS, *Annual Report*, 1921, 16; 1922, 16; 1923, 16.

77. SRO, Exchequer, E 824/536, BoAS to Treasury, 26th September 1921; Treasury Memo, 3rd October 1921; KLTR to Treasury, 18th October 1921; BoAS to Treasury, 13th December 1921; Treasury to BoAS, 20th April 1922.

78. Figures taken from *BoAS Annual Reports*, 1912-1925; the acreages involved, in the land settlement were as follows;

County	Arable	Pasture	
ARGYLL	3740	23720	P
	1135	22185	E
CAITHNESS	3866	11831	P
	3073	4738	E
INVERNESS	8150	53076	P
	6136	112550	E
ROSS	3395	68270	P
	1031	94	E
SUTHERLAND	2082	58621	P
	370	68599	E
TOTAL	33068	233684	

79. Figures taken from *BoAS Annual Reports*, 1912-1925; acreages involved were as follows;

Island	Arable	Pasture	
SKYE	1483	8282	P
	2862	89436	E
HARRIS	227	323	P
	0	0	E
N.UIST	36	2006	P
	1277	13984	E
S.UIST	5640	32290	P
	0	0	E
BARRA	0	270	P
	600	2677	E
LEWIS	2358	48847	P
TOTAL	14483	2011038	

80. Hunter, *Crofting Community*, 206; J. Hunter, *The Claim of Crofting: The Scottish Highlands and Islands, 1930 to 1990*. (Edinburgh, 1991), Chapter 1.

81. Anonymous, "Land Settlement in Scotland - II", *Scottish Journal of Agriculture*, 15, (1932), 367.

82. *BoAS Annual Report*, 1914, xi.

83. SRO, Crofting Files, AF 67/389, Memo on Economic

Conditions in the Crofting Counties, March 1924.

84. PRO, CAB 27/105/5-7, Cabinet Land Settlement Committee: Memorandum by the Treasury, circulated at the request of the Chancellor of the Exchequer; (this memo can also be found in SRO, Allotments and Small Holdings Files, AF 66/27); SRO, Crofting Files, AF 67/387, Memo on Economic Conditions in the Crofting Counties, March 1924; SRO, Estate Management Files, AF 83/760, BoAS to the Treasury, 19th November 1921; Treasury to BoAS, 25th November 1921; Memo by BoAS for the Under Secretary for Scotland, December 1921.

85. Leneman, *Fit For Heroes*, devotes only 1 Chapter to the pre 1919 period.

86. SRO, Crofting Files, AF 67/387, Memo by H.M. Conacher on Economic Conditions in the Crofting Counties; Churchill College, Cambridge, Thurso Collection, THRS V 1/1/12, Lord Novar to Archibald Sinclair, 18th July 1923.

87. G.J. De Groot, *Douglas Haig, 1861 to 1928*, (London, 1988), 403-4; S. Ward, "Intelligence Surveillance of British Ex-Servicemen, 1918-1920", *Historical Journal*, 16, (1973), 179-88; T. Wilson, *Myriad Aspects of War: Britain and the Great War, 1914-18*, (Cambridge, 1986), 823-25.

CONCLUSION

This thesis has been concerned with the development and implementation of government policy in the Crofting Counties. The period under examination is one particularly worthy of scrutiny. In 1883 the government could reject calls for a Royal Commission for the Highlands by arguing that they could not be seen to be taking special action in a particular area of the country. Indeed, they could deny that there was such a concept as a peculiarly *Highland* issue to be dealt with.¹ The Napier Commission and the Crofters (Holdings) Scotland Act of 1886 were the first, and most important breaches in this mode of thought. The former established the extent of the Highland issue. The latter, although explicitly rejecting the notions of the Report, was critical in this regard. After some considerable debate within the Cabinet the Highland area was defined. The definition which encapsulated the majority of parishes in the counties of, Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney and Shetland, remains in force to this day.

However, it has been challenged. The abortive Bill of 1895 included provisions to extend the crofting area to include areas in upland Aberdeen and Banff - shire and highland Perthshire, where conditions akin to crofting certainly did exist. The failure to extend the crofting area to such districts has led some to make the somewhat pedantic point that the Highlands are a wider notion than the crofting counties.² The Congested Districts (Scotland) Act of 1897 also employed a specialised version of the criteria laid down in 1886. However, the statutes of 1911 and 1919 laid this definition aside. They applied to the whole of rural Scotland. This has led some commentators to argue that crofting suffered from a "loss of identity" in the years from 1911 to 1955, when crofter legislation retreated to the crofting counties.³ However, if the analysis extends beyond the terms of the acts to the substance of policy this view must be qualified. The stormy passage of the 1911 Act was partly caused by the problem of Lowland proprietors' fear of crofting legislation. Consequently, the Bill was modified at a late stage to accommodate their worries. These modifications did not affect the provisions for the crofting counties.⁴ It is one of the ironies of this period that after much worry about the effects of crofting type legislation on the lowlands one of the most important lasting effects of the extension concerned the crofting counties. This was the creation of the absentee crofter in

1917. A case which had originated in the Lowlands reached the Court of Session, where it was held that a landholder need not continue to reside on, or within two miles of, his holding as long as those conditions were satisfied at the passing of the 1911 Act.⁵

So, in effect, there were two separate policies originating from the one piece of legislation. The situation after 1919 was even more complex. The government were facing heavy fiscal pressure on their expenditure and the BoAS did not escape the effects. Faced with the prospects of a reduced budget after 1922 they chose to focus most of their attention and the bulk of their money on the Highlands. The potential instability in the Highlands generated by the land raids which occurred in this period were a potent factor in this decision.⁶ So, despite the changes in the geographical range of Scottish land legislation in this period the crofting counties as a special area worthy of a particular and unique policy remained a constant. Indeed, the situation had come full circle. In 1883 the government argued that tenurial problems in the Highlands could be dealt with in the general legal framework governing relations between landlord and tenant. Forty years later, when legislation which had its intellectual origins in the crofting counties was extended to the rest of Scotland, the government were forced to concede that such a framework could not cope with the special demands of the Highlands, which still merited exceptional treatment.

As one would expect the geographical range were not the only features of legislation and policy to change. The forty years from the mid 1880s to the mid 1920s saw governments of many different hues, Liberal, Conservative and Coalition. The Highland land issue was on the political agenda, at various levels, for most of this period. In periods like the mid 1880s, 1906 to 1911 and 1919 to 1925, it was quite a high priority for government. The aims and content of policy varied over the period. The impression has often been given that the four major pieces of legislation examined in this thesis, the statutes of 1886, 1897, 1911 and 1919 represented a continuous line of cumulative development. Flaws and failure in one policy would be rigorously identified and eliminated in the next act which would faithfully build on the previous ones.⁷ Connected to this is the idea that the increasing level of government intervention which each act represented was logical. 1886 was an act to regulate tenurial relations which developed by 1919 into provisions for the state itself to act as the landowner.

There are two major problems with these ideas. Firstly, the 1886 Act was not intended as the basis for a new code of legislation, rather it was to be the final solution to a problem which, in Gladstone's view, had plagued British government for over a century. It was decidedly not meant to herald a new and permanent phase of interventionist policy in the Highlands. Further, it was intended to right the wrongs which had been perpetrated by the various forms and phases of agricultural and social reorganisation which had taken place in the Highlands over the preceding century. In short, it was retrospective, rather than prospective. Of course, Gladstone's intellectual desire to salve the Victorian liberal conscience on this question is a motive not to be underestimated. Secondly, and most importantly, to see policy from the 1880s to 1920s as cumulative ignores the political and intellectual tensions between the different acts and the policies which they promoted.

The principal theme running through this thesis has been the identification and examination of this debate. Essentially, there were two contending concepts behind the policies advanced in this period. The first, normally associated with Liberal administrations was concerned with giving existing tenants protection and security in their relations with the landowner. This has sometimes been called "dual ownership".⁸ Although the landlord still retained ultimate ownership of the land, the improvements and buildings were owned by the crofter. The Liberals had developed this policy in Ireland in 1881. They took it further in 1911. As well as extending it beyond the crofting counties they included provisions whereby new holdings could be created on privately owned land, even against the wishes of the proprietor. On the other side of the debate stood the concepts of land purchase and peasant proprietorship. These were associated with Conservative governments. Much of the impetus for this policy came from landowners. At first sight this may seem incongruous. However, from their perspective it was logical and consistent. Much of the proprietorial interest in croft land had been removed by the 1886 Act. The work of the Crofters Commission had reduced rents to a nominal level. Proprietors felt that it would be helpful to complete the process and transfer the entire ownership of the croft to the crofter. There was an element of Conservative ideology in such thinking. To endow crofters with the responsibilities of ownership would hopefully move them in a conservative (if not a Conservative) direction. This policy was tentatively applied from 1897 to 1906. The success rate was not high. A combination of factors ensured this. The undercapitalised nature of the crofting economy meant that crofters were unlikely to be able to afford the necessary annuities. The lack of funds available to the Congested Districts Board to acquire land to be sold on to crofters. Finally, the conservatism of the crofters killed the policy. The failure of the

regime can be seen by its eventual conversion into state ownership of the land which was purchased for peasant proprietorship. This led some mischievous polemicists to herald the advent of land nationalisation in the Highlands under a Conservative government.⁹ The loyalty to the 1886 regime was too strong. This was not an esoteric or ideological judgement on the part of the crofters. They were unwilling to enter into a purchase agreement at the cost of the low rents and rating concessions which they had acquired in 1886. The security which they had under the existing regime was tantamount to ownership. This policy was never resurrected after its initial failure. Part I of the 1919 Act did empower the government to buy land. However, there was never any intention to sell it on to crofters. The government, in the shape of the BoAS was satisfied to act as landowner. After all, this was the eventuality which had to be resorted to in 1908 when the Kilmuir crofters refused to buy their holdings from the CDB.

This contentious debate between the two parties has not been fully appreciated by historians who have examined this period in a cursory fashion. Many have simply been concerned to note the progress made in the period which culminated in the 1919 Act. This has been presented as the statute which finally returned the land of which Highlanders had been deprived during the previous century and a half. However, it was in reality a honest attempt by the coalition government to build a non-ideological approach to land settlement. It was characterised by its flexibility, encompassing arrangement for new holdings to be created on privately owned land or on estates purchased by the BoAS. It was built on a reflection of the failure of the ideologically motivated statute of 1911. Undoubtedly, this was the statute under which the greatest progress was made. A large number of new holdings were created compared to previous acts. Significantly the quantitative success was most evident in the Hebrides and particularly in Lewis.¹⁰ Until the early 1920s it had proved impossible for the CDB or the BoAS to create new holdings in that most congested of islands. This was through a combination of the weaknesses of existing legislation and proprietorial obstinance and eccentricity.

It is critical, then, in understanding the development of government policy in this period to note the contending ideological origins of the different policies implemented in this period. The ideological motivation reached its peak in the period from 1906 to 1911. In these years the Liberal government made no real effort to hide the fact that they held wider objectives than the mere creation of new holdings in the Highlands and beyond. They had an open agenda of trying to create a new model of life in the countryside which would appeal to those in the overcrowded cities and

contribute to a general movement of population from urban areas which would be to the general good of the nation. However, it is the conclusion here that there was also a hidden agenda. The various Small Landholders (Scotland) Bills were employed cynically in the campaign against the House of Lords. The conjunction of Highland and Lowland provisions in the Bills was highly controversial and caused most of the problems in the Upper House. A cross-party campaign, which included landowners and the representatives of crofters, emerged. They argued that it would be sensible to introduce a separate measure for the Highlands, where there was a real demand for a measure to deal with identifiable grievances. No such amendment in the programme of the government was made until after the reform of the House of Lords. Limited accommodation in this regard was allowed, in the shape of amendments to the 1911 version of the Bill. The crudely ideological origins of this Bill were betrayed in its short working life. Very little progress was achieved. It proved to be riddled with loopholes which were exploited by landowners, notably Matheson of Lewis and Lady Gordon Cathcart, who were horrified at the extension of the concept of dual ownership which it represented. The Conservatives, although they were motivated to a certain extent by ideological considerations, were so to a lesser degree and in a more constructive fashion. The problem with their policy of land purchase was that it had minimal support in the crofting community. They had not based its introduction on any solid base or test of opinion.

Although, objectively, the ideological treatment of the Highland land issue militated against great progress towards its settlement, such a treatment was inevitable. Policy is created in a political environment whose defining characteristics are debate and differences of approach to any given problem. The Highland land issue in this period was no different. It had originated in an atmosphere of polemicism in the 1880s and this continued down to 1919 when the political power of the Lloyd George coalition was able to carry a flexible and comprehensive measure which cut through the debates of the previous generation.

The role of landowners has always been a controversial issue in Highland history. In this period they have been condemned and relegated to the sidelines.¹¹ The level of involvement of proprietors in policy over the period under consideration here gives such a view the appearance of a considerable historical misjudgement. To argue that landowners were more important than has hitherto been assumed is not to place a value judgement on the morality or culpability of their activities. One major flaw in most of the assertions concerning proprietors is that they have tended to speak of them as if they were a monolithic force. The conclusions here are partly based on an

examination of a wide range of proprietorial correspondence.¹² The first point to emerge is the multifaceted nature of political attitudes among proprietors. In the debates surrounding the 1886 Act the range was considerable. From the constructive and thoughtful interjections of Cameron of Lochiel to the crude and reactionary contributions of Fraser of Kilmuir.¹³ This is not to argue that landowners did not at times act in concert. In 1884-5 they came together to formulate proposals to deal with the grievances of the crofters. Later in the decade the importance of the Memorial of Highland proprietors to the Marquis of Lothian and its impact on policy has been noted. In the 1890s, Lochiel and MacLeod of MacLeod, as befitted their Conservative allegiances, were both influential advocates of land purchase.¹⁴ Proprietors responded to the Royal Commission of 1892 by setting up an organisation, The Highland Property Association, at a meeting in Inverness convened by Lochiel. This was not mere reaction. It involved the systematic gathering of information on the structure of estates in an attempt to protect the landowning interest.¹⁵ However, it is in the period 1906 to 1911 that the landlord position is most interesting. Contrary to their Lowland counterparts, Highland landowners like Lord Lovat, another Conservative, were keen to see legislation pass. Indeed, It was in this period that the Scottish Land and Property Federation was set up specifically to combat the threat of legislation, it was dominated by proprietors from Lowland Scotland.

Others were influential on the ground. Lady Gordon Cathcart persuaded a reluctant government to lay aside their preferred option for the settlement of the Island of Vatersay on her estate. They would have wished to create new holdings but leave the ownership of the land in the hands of the proprietor. Her ladyship prevailed at almost every point in the lengthy debate over this small, but politically important piece of land. The government were eventually persuaded against their wishes to buy the island. The fact that this was perhaps the last time a proprietor was able to compel a government to do something illustrates the reality of their changing role over this period. After 1911 they were able to exert negative influence. Certain proprietors could still be obstructive if they so desired. The history of the Island of Lewis after 1911 demonstrates this clearly. Faced with the complexity of the 1919 Act there was little they could do. It included not only provisions for the government to buy land but also a more efficient method of the despised concept of "dual ownership". Further, Highland estates were in a state of decay and their main produce, hill sheep were unremunerative.

So, the assertion that the 1886 Act saw the end of meaningful proprietorial influence in the Highlands is a simplification of a more complex process. Proprietors were able for a period in the late 1880s and 1890s to have their preferred options adopted by receptive Conservative administrations. In the first decade of the new century they had to struggle harder to make their voice heard. From 1911 to 1919 they were reduced to blocking tactics, exemplified by Matheson of Lewis.¹⁶

As well as considerable diversity among landowners there was considerable diversity of physical and social conditions in the Crofting Counties for the government to contend with. Often this shaded in with differing proprietorial attitudes. The island of Lewis presented special problems for the government throughout this period. In the period immediately following the 1886 Act it was the area with the highest level of rent arrears for the Crofters' Commission to deal with.¹⁷ The social condition of the island was a concern of government in the 1880s and remained so throughout the period. The many investigations carried out by government revealed it to be the area with the most chronic congestion, the poorest land, and the highest incidence of cottars and squatters. In addition the Congested Districts Board reported that the level of agricultural practice and stock husbandry on the island was lamentable. The prospects for dealing with these problems locally was hampered by the minimal revenue which the local authorities were able to raise from the island. This was a function of congestion, exacerbated by the fact that many agricultural "subjects" were not entered on the valuation roll and hence not assessed, but nevertheless received full services. All the problems of the Highlands seemed to be concentrated on the one island. Congestion, lack of capital and paucity of opportunity. These problems were compounded by the uncooperative nature of the estate management. No new holdings were formed in Lewis on any scale until 1923-4. This demonstrates the continuing power of proprietorial negativism. However, even when the government had broken up every farm on the island for small holdings it still did not satisfy the demand for land.

In other Hebridean areas similar problems existed but not to the same extent. Progress was possible in Skye due to good fortune as much as good planning. The landholding structure on the island was in a state of flux in this period. The traditional proprietors, Lord MacDonald and MacLeod of MacLeod were in terminal decline. Fraser of Kilmuir was heartily sick of administering a crofting estate by the early 1890s and was only too happy to sell out. This state of affairs allowed the government to intervene and purchase much of the island in the post 1904 period both through the CDB and the BoAS. The estates of Lady Gordon Cathcart, from

Benbecula south also saw considerable government activity. She tended to begin from an absolute position of non cooperation and undertake a controlled retreat from it in negotiations with the government. Even this tactic could be nullified by the 1919 Act. By the 1920s the aged proprietrix was demoralised and wished to sell her estates. On these estates by the early 1920s most of the land suitable for land settlement had been utilised. Unlike Lewis this was sufficient to deal with the vast bulk of the demand for land.

The County of Sutherland provides a contrast to the Hebrides. Here there were congested crofting townships on the margins of vast acreages of sheep farms. The CDB and the BoAS were able to carry out substantial schemes of land settlement. The Duke of Sutherland was generally cooperative. Indeed, at times too cooperative. His habit of offering large swathes of his estate to the government created a new set of problems. The political atmosphere of the wartime and post-war period made it very difficult for the government to refuse such offers, even if they were not wholly suitable for their purposes. There was certainly no shortage of land in Sutherland and the demand for it was as vociferous as anywhere in the Highlands.

There were other areas of the Highlands where there was very little government activity throughout the period. The districts of Lochaber, Badenoch and Easter Ross are notable in this regard. In such areas there was an easier co-existence between large scale farming and crofting. Indeed crofting townships were relatively isolated among farms of considerable sizes. In Lochaber and Badenoch there was also a strong history of club farming among the crofting class. Although classic crofting conditions did exist in these areas the diversity of land holding marked them out from the heartland of the crofting community in the Hebrides and West Highlands.

The incidence of crofter agitation in this period was almost continuous. It is important, nevertheless, to distinguish between the different phases of agitation. Prior to 1886 there was a movement which has been dubbed "The Crofters' War". It was concentrated in the Hebrides and particularly in Skye. The initial spontaneity of this movement cannot be denied. Its political impact was to alert the government to the existence of the Highland land issue. Beyond that its impact was minimal. It was never able to positively influence government. The arrival of the Crofter MPs at Westminster came too late to be important in the making of the 1886 Act. After 1886 the focus of the agitation shifted to Lewis and to the task of amending the Crofters Act. It was singularly unsuccessful in this regard. After a few large scale and stage managed incidents the agitation declined to small scale incidents and then petered

out. From this date there were a number of land raids and other incidents. However, they were related not to a general political campaign but to a series of specific and localised issues. The dispute over Vatersay, the argument over the farm of Scuddaburgh in Skye or the conflict over the farms of Coll and Gress in Lewis. These incidents seem to have been largely driven by a small number of committed activists who held considerable sway over the rest of the communities in question. What is striking about the whole course of crofter agitation are its extremely limited objectives. The institution of landlordism was not under threat. As has been noted it continued to be influential until quite late in this period. Crofters achieved limited gains in 1886 and with the exception of trying to bring more land into this regime were content. Their relationship with their proprietors had been modified to such an extent that his involvement in the crofter's day to day life was minimal.

The incidence of land agitation in the Highlands and in Ireland in the same period has led to simple comparisons between the two.¹⁸ However, the agitation, and the government policy in Ireland displayed a number of crucial differences from the Highlands. The Irish agitation was much more intense and widespread than anything which occurred in the Highlands. It was also much more sophisticated. Complex structures of protest, such as the Plan of Campaign from 1886, were developed. The important feature which separated the two experiences was the link between land and nationalism in Ireland. This gave the land movement impetus and direction. The Highland land movement was parochial by comparison. Indeed, attempts to link it to wider political concerns was a critical factor in the decline of the crofters' movement. Irish small tenants, with the greater objective of Home Rule in view were much more eager to embrace the concept of ownership of their holdings. Consequently, governments of both parties pursued this policy vigorously. Scottish crofters, with their limited objectives were satisfied with the substance of the 1886 regime which left them as tenants. Attempts to interest crofters in ownership were abandoned effectively in 1908 and not revived for a further 68 years.¹⁹

Another aspect of crofters' behaviour which has largely escaped the attention of historians is their standard of agriculture and stock husbandry. This was a concern of every government institution in the Highlands in the period covered here. As the Congested Districts Board discovered, improvement was not simply a matter of re-education but a part of the whole process of social improvement. The grafting of new structures, in the way of the Common Grazing Acts of 1891 and 1908, on to traditional undercapitalised crofting was neither a successful nor a sufficient approach. Nevertheless, progress was made and by the 1920s the assumption of the

role of landlord by the state was a crucial innovation. The technical support given by the Board, later the Department, of Agriculture for Scotland has been a major contribution to life in crofting communities. Nevertheless, the environmental amenability of crofting has declined with the increasing dominance of sheep in the crofting economy over the succeeding period.²⁰

Although some attempt has been made here to quantify the progress of land settlement, the crucial issue is the qualitative aspects of policy. It was the intention of both the CDB and the BoAS to create holdings which were large enough to provide a meaningful income for the holder. In the longer term it is one of the cardinal failures of policy in this period that they were not able to do so. The political environment in which policy had to be implemented militated against it. In periods and localities where the demand for land was high the cost of creating larger holdings was the small number of applicants for land who would be satisfied. The potential for continued trouble would remain. What both institutions tended to do was to settle as many holders as was possible with little regard for the longer term. In the event this proved destructive given the economic and social travails of the Highlands in the 1930s.²¹ Indeed, the legacy of the land settlement era remained potent in much later years. In the 1950s the government returned to the task of reorganising crofting townships. Their task was to deal with the decayed structure created in the 1920s. Consolidation of holdings and rationalisation of townships proved as politically sensitive as the original land settlement programme. Although the effects of the interface between the technical and political aspects of land settlement can be lamented their inevitability in a political system necessarily responsive to popular pressure should be recognised. The general concept was not confined to Scotland, a Peruvian economist argued in the 1930s that the land problem;

... appears in all its magnitude as a socio economic - and therefore political - problem. And every desire to change it, for example into a technical agricultural problem within the dominion of agronomists, is a vain endeavour.²²

The crofting system, as established in this period, and only modified in minor respects since, is often held up as the saviour of the highlands. It is, allegedly, an ideal system for retaining population in the Highlands and hence maintaining the social and cultural health of a distinctive part of the United Kingdom. However, the rigidity of the system is the principal legacy of this period. The 1886 Act established

a regime which was explicable only as an attempt to silence crofter rhetoric of the 1880s. The impression in the crofting community that it was a rational response to their perceived just demands engendered a loyalty to it which remains to this day. The only meaningful reform of the landlord tenant relationship after 1886 has been the substitution of the state as a landlord in certain areas after 1919. However, the crofting system could only operate efficiently if the principles of primogeniture were applied rigorously. Congestion was perpetuated if more than one representative of the succeeding generation wished to retain a hold on the land. This clashed with the mentality of the crofting community, which can only be described as static. The examples of successful migration are more the exception than the rule in this period. The experience of the attempt to move the Sconser crofters across Skye discouraged further attempts at migration. It was not until the early 1920s, with the transfer of cottars from Lewis and Harris to Skye, that a successful migration can be found. It was the tendency of crofters' families to remain at home regardless of the social and economic consequences which most puzzled Lady Gordon Cathcart about the crofting system.²³

Some of the lustre was taken off the crofting regime by the economic conditions in the 1930s. This combined with the Second World War to create a new problem for government. The root of it remained the rigidity of the extant 1886 regime. The problem of absentee crofters and decay in the crofting community in the post war era could not be challenged due to the inflexible provisions of existing legislation. The existing regime retained sufficient residual loyalty among remaining crofters to stymie government attempts to deal with the major problem.²⁴

In final conclusion, the period from the 1880s to the 1920s bequeathed a questionable legacy to future generations of Highlanders. The system created by the interplay of politics and public policy on the Highland land issue, may have had an internal consistency for contemporaries but its incapacity for change, which quickly emerged, has been its most notable characteristic.

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1. See 3-4.
 2. H.A.Moisley, "The Highlands and Islands - A Crofting Region?", *Transactions of the Institute of British Geographers*, 31, 1962, 83-4.
 3. D.J. MacCuish, "Ninety Years of Crofting Legislation and Administration", *TGSI*, 50, 1976-78.
 4. See 180.
 5. *Court of Session Cases*, 1917, 453-63, *Rogerson v Chilston*.
 6. See 222.
 7. J.P. Day, *Public Administration in the Highlands and Islands of Scotland*, (London, 1919), 231-2; W.C.MacKenzie, *The Highlands and Islands of Scotland: A Historical Survey*, (Edinburgh, 1937), 296-8; D.Turnock, *Patterns of Highland Development*, (London, 1970), 70.
 8. SRO, Dept of Agriculture and Fisheries, Miscellaneous Files, AF 43/6/13, Memo on Dual Ownership.
 9. C. Stewart, *The Highland Experiment in Land Nationalisation*, (London, 1904), 3-4.
 10. See tables 7:1, 8:1 & 8:2.
 11. J. Hunter, *The Making of the Crofting Community*, (Edinburgh, 1976), 196; D. Cannadine, *The Decline and Fall of the British Aristocracy*, 386.
 12. Hunter, *Crofting Community*; & I.F.Grigor, *Crofters and the Land Question, 1870 to 1920*, (PhD Thesis, University of Glasgow, 1989), are the two historians most inclined to make generalisations of this kind. Neither, it should be noted, have examined the records of Highland estates to gain a more detailed view of proprietorial concerns.
 13. See 17-18.
 14. See 78 & 89-91.
 15. See 85-86.
 16. See 192-197.
 17. See 15-16.
 18. Grigor, *Crofters and the Land Question*, I, 44-5.
 19. G.D. Goodlad, "The Liberal Party and Gladstone's Land Purchase Bill of 1886", *Historical Journal*, 32, 1989,

627-41; F.S.L. Lyons, *John Dillon*, (London, 1968), 82-110; A. Warren, "Gladstone, Land and Social Reconstruction in Ireland, 1881-87", *Parliamentary History*, 2, 1983; S. Warwick-Haller, *William O'Brien and the Irish Land War*, (Dublin, 1990) 81-158.

20. J. Ritchie, "Some effects of sheep rearing on the natural condition of Scotland", *Scottish Journal of Agriculture*, 2, 1919; K.W. Braid, "Bracken as a colonist", *Scottish Journal of Agriculture*, 17, 1934; A.S. Mather, "The Alleged Deterioration of Hill Grazings in the Scottish Highlands", *Biological Conservation*, 14, 1978; C.S. Orwin & E.H. Whetham, *The History of British Agriculture, 1846 to 1914*, (Cambridge, 1964), 295-6.

21. Scottish Economic Committee, *The Highlands and Islands of Scotland: A Review of the Economic Conditions with Recommendations for Improvement*, (1938), 143-4 & 178-9.

22. J.C. Mariategui, *7 Ensayos de Interpretacion de la Realidad Peruana*, (Lima, 1933 ed), 34; quoted by T.R. Ford, *Man and Land in Peru*, (New York, 1971 ed), 88.

23. See Chap 4, 6-8; Chap 8, 13-14.

24. Turnock, *Patterns of Highland Development*, Chap 4.

APPENDIX NO I.

THE COURSE OF THE LAND AGITATION IN THE HIGHLANDS, 1886 - 1895.

1886

MAY.

Raid at Greenhill Farm, Tiree.

JULY.

Deforcement at Balephuill, Tiree.

OCTOBER.

7th, Troops arrive in Skye.

18th, Tiree men sentenced to terms of imprisonment.

25th, Deforcements at Herbusta and Borneskitaig, Skye.¹

26th, Deforcement at Garalipin, Skye.²

NOVEMBER.

Fence damaged at Eoligarra, Barra.³

1887

MAY.

Deforcement at Clashmore, Assynt, Sutherland. ⁴ Intrusions on farms at
Lochinver and Durness, Sutherland. ⁵

NOVEMBER.

22nd, Raid on Park Deer Forest, Lewis.⁶

25th, Troops arrive in Lewis.⁷

DECEMBER.

Stock mutilated, boats damaged, Ballalan,
Lewis. ⁸

Deputation of crofters inform tenant of
Aignish Farm, Lewis, of intended raid. ⁹

1888.

JANUARY.

9th, Raid on Aignish Farm. Clash between crofters and police. ¹⁰

Raid on Galson Farm. ¹¹

Dyke breaking at Clasmore, Assynt Sutherland. ¹²

Deputation of crofters inform tenant of Carnish Farm, Lewis, of intended raid. ¹³

Acquittal of Park raiders. ¹⁴

FEBRUARY.

Order by Cathcart Estates prohibiting
crofters giving land to cottars. ¹⁵

Dyke breaking at North Dell Farm, Lewis. ¹⁶

Aignish rioters receive prison sentences. ¹⁷

Dyke breaking at Dalmore and Dalbeg, Lewis. ¹⁸

MARCH.

Dyke breaking at Galson and Holm farms, Lewis.

Deforcement at Valtos, Kilmuir, Skye. ¹⁹

APRIL.

Building used by salmon fishing tenant at Barvas, Lewis, burned down. ²⁰

Land League meetings in Glenelg. ²¹

MAY.

Fence breaking at North Dell farm, Lewis. ²²

Attempted diversion of River Barvas, Lewis. ²³

AUGUST.

Demonstration to mark the sale of the Kilmuir Estate, Skye. ²⁴

OCTOBER.

Withdrawal of troops from Lewis.

NOVEMBER.

Rumours of renewed raid on Park Deer Forest.²⁵

1889

MARCH.

Dyke breaking at Galson, Lewis.²⁶

1890

JUNE.

Demonstration at rent collection, Glendale, Skye.²⁷

Deforcement at Waternish, Skye.²⁸

JULY.

Deforcement at Claddach Kirkibost, North Uist.²⁹

SEPTEMBER.

Eviction of pensioner, North Uist.³⁰

OCTOBER.

Buildings damaged, sheep killed, Borge,
Bernera, Harris.³¹

NOVEMBER.

Case of wilful fire raising, Borge, Bernera, Harris.³²

1891

MARCH.

Raid on Orinsay Farm, Lewis.³³

Intrusion on Stimervay farm, Lewis.³⁴

1892

APRIL.

Dyke breaking at Clashmore, Assynt, Sutherland. ³⁵

1893

MAY.

Deforcement at Airdens, Creich, Sutherland. ³⁶

JUNE.

Intrusion on Monkstadt farm, Kilmuir, Skye. ³⁷

AUGUST.

Deforcement at Staffin, Kilmiur, Skye. ³⁸

SEPTEMBER.

Deforcement at Airdens, Creich, Sutherland. ³⁹

1894

OCTOBER.

Fence breaking, Ormiclate, South Uist. ⁴⁰

1895

JUNE.

Deforcement, Mull. ⁴¹

NOVEMBER.

Fence breaking. Baiblesgarry, North Uist. ⁴²

1. *Glasgow Herald*, 26/10/86

2. *Glasgow Herald*, 27/10/86

3. SRO, HH 1/139.

4. SRO, GD 40/16/4/24-25.

5. SRO, GD 40/16/4/27.

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6. SRO, AF 67/35
 7. SRO, AF 67/35.
 8. SRO, AF 67/36.
 9. SRO, AF 67/37.
 10. SRO, AF 67/38.
 11. SRO, AF 67/39.
 12. SRO, AF 67/40.
 13. SRO, AF 67/41.
 14. SRO, AF 67/96.
 15. SRO, AF 67/96.
 16. SRO, AF 67/42.
 17. SRO, AF 67/96.
 18. SRO, AF 67/41.
 19. SRO, AF 67/97.
 20. SRO, AF 67/43.
 21. SRO, AF 67/99.
 22. SRO, AF 67/43.
 23. SRO, AF 67/44.
 24. SRO, AF 67/101.
 25. SRO, AF 67/45.
 26. SRO, AF 67/46
 27. SRO, AF 67/109.
 28. SRO, AF 67/109.
 29. SRO, AF 67/110
 30. SRO, AF 67/111.
 31. SRO, AF 67/111.
 32. SRO, AF 67/112.
 33. SRO, AF 67/48.

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34. SRO, AF 67/48.
 35. SRO, AF 67/49
 36. SRO, AF 67/50
 37. SRO, AF 67/50.
 38. SRO, AF 67/114.
 39. SRO, AF 67/51.
 40. SRO, AF 67/52.
 41. SRO, AF 67/116.
 42. SRO, AF 67/53.

APPENDIX NO II.

Memorial to the Prime Minister with Reference to Crofter Legislation.¹

The rejection by the House of Lords of the Small Landholders (Scotland) bill has convinced us that until grave constitutional issues have been decided land legislation cannot be secured upon these lines. While there is general agreement as to the end to be attained, there is profound divergence of opinion as to the method. The extension of the Act so as to include other districts where similar conditions prevail; the creation of new holdings both for crofters and cottars, so as to relieve congestion and to colonise depopulated areas; the amendment of the 1886 Act in particular where the experience of 22 years has proved amendment to be desirable; the creation of new holdings and allotments in suitable localities throughout Scotland - on all these and on many minor points both parties are agreed. Conservative peers though rejecting the government Bill, have introduced measures, inadequate indeed, but admitting the necessity for action, and indicating a willingness to go some way at least to meet us. The moment, then, is opportune for a serious attempt to find common ground, and, by judicious compromise, to pass a really satisfactory measure. If land reform in Scotland is to be postponed till after a constitutional conflict with the House of Lords, other questions may arise and obscure the issue; the favourable conjunction of circumstances may pass away; rural depopulation will continue, while England and Ireland, under less controversial Acts will be rearing a race of prosperous small holders.

The Master of Elibank, in a letter to the *Times* on 13th March, 1908, wrote:-

Had the Committee stage of the Bill been granted (i.e. in the Lords) some of us representing Lowland constituencies were not unwilling to see the machinery of the Bill considerably modified in order that the measure might not be lost to crofting areas.

Are Scottish members then, unreasonable in desiring that the government should call, or at any rate consent to, a conference consisting of members of both parties in both houses, in accordance with the terms of the Government's own plan for dealing with a situation arising from a deadlock between the two Houses of Parliament? By such means we are convinced a valuable measure could be passed even during the present session, accomplishing all, and more than all the items of the programme put forward by the present Prime Minister when he spoke for the Liberal Party at Inverness on October 21st 1905.

It is with that programme before us, and with the object of conciliation in view, that we have ventured to prepare the Crofter's Bill, introduced by Mr Cathcart Wason, and backed by 11 of our number. It is based on Sir George Trevelyan's Bill of 1895, and is also indebted for some of its provisions to the Government Bill and to the English Act of 1907: while Sir Edward Tennant's, Lord Lovat's, Lord Camperdown's and many other private member's bills have received consideration. Flaws it undoubtedly contains, faults of drafting inevitably occur in any Bill prepared by private members, without the skill of a government draftsman. But these are of little importance in a measure avowedly brought forward, not as verbally inspired but to elicit comment, to invite amendment, to serve as a basis of discussion and to indicate broadly the lines upon which in our opinion compromise might hopefully be sought.

In one particular we go beyond the government proposals, and suggest facilities for the provision of dwellings and allotments for cottars, fishermen, and farm servants. This step it seems to us, is a most necessary one, especially if it is desired to enable men of these classes gradually to fit themselves for the occupancy of regular small holdings.

So far as the Lowlands are concerned we proceed along the lines of the Small Holdings Act and the Allotments Act of 1892. Both measures are useful and practical in aim. Unfortunately they have been allowed to remain dead letters. If amended in certain particulars and vitalised by the guidance of a strong central authority supplemented by local knowledge, we believe both might do much to arrest materially the depopulation of rural Scotland.

We thoroughly approve the aims of the government Bill and appreciate the steadfastness with which it has endeavoured to attain them. But valuable years are running on, and it is clear that if those aims are to be achieved considerable modifications must be made in the machinery proposed. If our Bill shall indicate the way to a possible solution our labours will not have been in vain.

Thomas Glen Coats.

J.G. Weir. (Ross - shire)

Alpheus C. Morton. (Sutherland)

R. Laidlaw.

John D. Hope.

H.J. Tennant.

A Rolland Rainy.

Archibald Williamson.

R.L. Harmsworth. (Caithness)

J. Cathcart Wason. (Orkney and Shetland)

Norman Lamont.

J.S. Ainsworth. (Argyll - shire)

D.V. Pirie.

R. Balfour.

Donald Smeaton.

Walter Waring.

Henry Anderson Watt.

J.M. Henderson.

1. *Glasgow Herald*, 29th May 1908.

APPENDIX NO 3.**Dramatis Personae**

BAILLIE, J E B - MP for Inverness - shire, 1895 to 1900

BALFOUR, A J - Secretary for Scotland, July 1886 to March 1887.

BALFOUR, J B - Lord Advocate, 1881 to 1885 and January to July 1886.

BRAND, SIR DAVID - Chairman of the Crofters Commission, 1886 to 1908.

BRYCE, J A - MP for Inverness Burghs, 1906 to 1918.

BURLEIGH, LORD BALFOUR OF - Secretary for Scotland, 1895 to 1903.

CATHCART WASON, J - MP for Orkney and Shetland, 1900 to 1921.

CLARK, DR G B - MP for Caithness, 1885 to 1900.

COCHRAN PATRICK, R W - Permanent Under Secretary for Scotland, 1887 to 1892.

CONACHER, H M - Secretary to the Board of Agriculture for Scotland.

COOK, SIR HENRY - Solicitor to the Congested Districts Board.

DALHOUSIE, EARL OF - Secretary for Scotland, March to July 1886.

DEWAR, J A - MP for Inverness - shire, 1900 to 1916; created Baron Forteviot in December 1916.

ELIBANK, ARTHUR MURRAY OF - Scottish Liberal Whip, 1905 to 1909; introduced Small Landholders (Scotland) Bill, 1911.

FINLAY, R B - MP for Inverness Burghs, 1885 to 1892 and 1895 to 1906.

FORSYTH, J N M - Member of the Crofters Commission, 1902 to 1912.

FRASER, WILLIAM - Proprietor of the Kilmuir estate, North Skye, 1855 to 1892.

FRASER MACKINTOSH, CHARLES - MP for Inverness Burghs, 1874 to 1885, Inverness - shire, 1885 to 1892; member of Napier Commission.

GORDON, GEORGE - Elgin land valuer, Member of the Royal Commission (Highlands and Islands) 1892.

GORDON CATHCART, LADY EMILY - Proprietor of Benbecula, South Uist and Barra.

GRAHAM MURRAY, ANDREW - Secretary for Scotland, 1903 to 1905.

GRIEG, R B - Member of BoAS with special responsibility for agricultural education and live stock husbandry.

GUNN, WILLIAM - Factor on the Cromartie estates, 1867 to 1901.

HOSACK, WILLIAM - Oban land agent, member of the Crofters Commission, 1886 to 1902.

IVORY, WILLIAM - Sheriff Principal of Inverness - shire.

KENNEDY, N J D - Chairman of the Crofters Commission, 1908 1912; Created Lord Kennedy 1912; Chairman of the Scottish Land Court

LOCHIEL, SIR DONALD CAMERON OF - MP for Inverness - shire, 1868 to 1885; member of Napier Commission; convenor of meetings of landowners in Inverness, 1885 and 1892.

LOTHIAN, MARQUIS OF - Secretary for Scotland, 1887 to 1892.

LYELL, L - MP for Orkney and Shetland, 1885 to 1900.

MACCALLUM, REV MALCOLM - Church of Scotland Minister in Muckairn, Argyll - shire; member of Royal Commission (Highlands and Islands) 1892.

MACDONALD, ALEXANDER - Portree solicitor; factor for most of the Skye proprietors.

MACDONALD, ALLAN - Inverness solicitor; factor for the MacKintosh estates.

MACDONALD, J H A - Lord Advocate, July 1885 to January 1886 and August 1886 to 1888.

MACDONALD, RANALD - Factor on the Gordon Cathcart estates.

MACDONALD, DR RODERICK - MP for Ross and Cromarty, 1885 to 1892.

MACFARLANE, D H - MP for Carlow, 1880 to 1885, Argyll - shire 1885 to 1886 and 1892 to 1895; Knighted in 1894.

MACGREGOR, DR CHARLES - MP for Inverness - shire, 1892 to 1895.

MACGREGOR, R R - Secretary of the Congested Districts Board.

MACINTYRE, P B - Member of the Crofters Commission, 1886 to 1912.

MACKENZIE, ALEXANDER - Proprietor of Inverness newspapers the *Celtic Magazine* and the *Scottish Highlander*; activist in the crofters' movement.

MACKENZIE, KENNETH (OF GAIRLOCH) - Liberal activist; Wester Ross proprietor; member of the Napier Commission.

MACKENZIE, WILLIAM - Principal Clerk of the Crofters Commission.

MACKINNON, PROF DONALD - Native of Colonsay; Professor of Celtic at Edinburgh University; member of Napier Commission.

MACKINNON WOOD, THOMAS - Secretary for Scotland, 1912 to 1916.

MACKINTOSH, ANGUS - Former factor on the Gordon Cathcart estates and subsequently land manager for the Congested Districts Board.

MACLEAN, NEIL - Farmer at Nunton, Benbecula, BoAS Sub Commissioner.

MACLEOD, JOHN - MP for Sutherland, 1894 to 1900; member of the Royal Commission (Highlands and Islands) 1892.

MACLEOD, REGINALD - Scottish agent of the Conservative party; permanent Under Secretary for Scotland, 1904 to 1910; 27th Chief of the Clan MacLeod.

MACNEILL, MALCOLM - Clerk to the Napier Commission; President of the Local Government Board and hence member of the Congested Districts Board.

MACPHERSON, J IAN - MP for Ross and Cromarty, 1911 to 1936; Charman of the Scottish Land Enquiry Committee, 1912.

MACRAE, DONALD - Former schoolteacher in Easter Ross and Lewis, subsequently, full time official of the Highland Land League in the 1890s.

MALCOLM, GEORGE - Factor for the Ellices of Invergarry and Scretary of the Highland Property Association in the 1890s.

MUNRO, ROBERT - Lord Advocate, 1913 to 1916; Secretary for Scotland, 1916 to 1922.

MUNRO FERGUSON, R C - MP for Ross and Cromarty, 1884 to 1885; Secretary for Scotland, 1922 to 1924; created Viscount Novar in 1920.

MURDOCH, JOHN - Former exciseman; proprietor of the Inverness newspaper the *Highlander*; activist in the crofters' movement.

NAPIER AND ETTRICK, LORD - Former Diplomat; Border landowner; Chairman of the Royal Commission on Crofting Conditions, 1884.

NICOLSON, ALEXANDER - Native of Skye; Sheriff of Kircudbright; mountaineer; Gaelic scholar; member of the Napier Commission.

ROSE, ARTHUR - Director of Land Settlement at BoAS, assumed overall responsibility for Land Settlement in November 1920.

SHAW, DONALD - Edinburgh solicitor who acted for Vatersay, Kilmuir and Raasay land raiders.

SHAW, THOMAS - Lord Advocate, 1905 to 1909.

SHAW STEWART, M H - MP for East Renfrew, 1886 to 1906; member of the Royal Commission (Highlands and Islands) 1892.

SKENE, EDWARDS AND GARSON - Firm of Edinburgh solicitors who acted for Lady Gordon Cathcart and Major Duncan Matheson of Lewis.

RICHMOND AND GORDON, DUKE OF - Secretary for Scotland, July 1885 to January 1886.

SINCLAIR, JOHN - Secretary for Scotland, 1905 to 1912; created Baron Pentland in 1909.

SUTHERLAND, ANGUS - MP for Sutherland, 1886 to 1894; Chairman of the Scottish Fisheries Board from 1894 and hence a member of the Congested Districts Board.

SUTHERLAND, JOHN - Oban Solicitor; member of the BoAS with special responsibility for small holdings.

TREVELYAN, SIR GEORGE OTTO - Secretary for Scotland, January to March 1886 and 1892 to 1895.

WILSON, THOMAS - BoAS Senior Sub Commissioner for the West Highlands and Hebrides.

WRIGHT, SIR ROBERT - Chairman of BoAS, former Principal of the west of Scotland College of Agriculture.

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